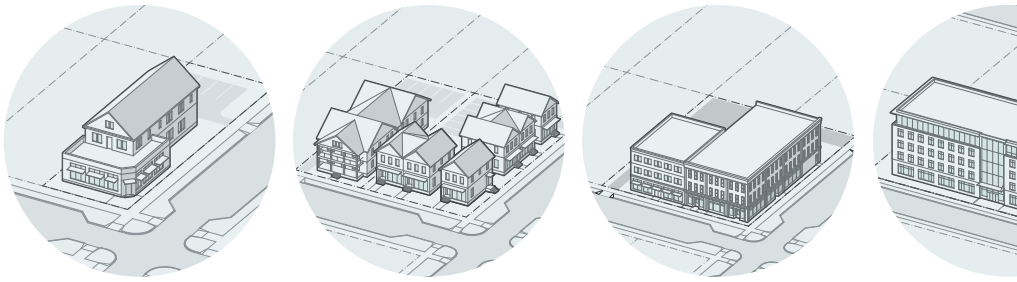
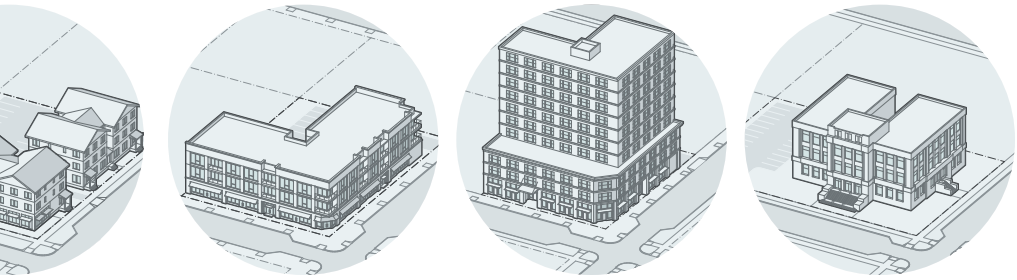


Chapter 34

# CHARLOTTESVILLE DEVELOPMENT CODE

Zoning & Subdivision



**COUNCIL HEARING DRAFT |** NOVEMBER 7, 2023

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ARTICLE 1.

# INTRODUCTORY PROVISIONS


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# DIV. 1.1. GENERAL

## 1.1.1. Title

The provisions of this Chapter include zoning ordinances and ordinances providing for subdivision of land. Each are enabled by respective provisions of the Code of Virginia. The zoning provisions in Articles, 1, 2, 3, 4, 5, and 7 are adopted pursuant to *Code of Virginia, § 15.2-2280 et seq*. The subdivision provisions in Article 6 are adopted pursuant to the *Code of Virginia, § 15.2-2240 et seq*.

This chapter, and all provisions contained in this document, together with the City's official zoning map are known and may be cited as the "Development Code of the City of Charlottesville, Virginia."

## 1.1.2. Jurisdiction

A. The provisions of this Chapter apply to all property located within the corporate limits of the City of Charlottesville.

B. The provisions of this Chapter also apply to new territory which comes within the City limits by annexation, boundary adjustment or otherwise.

## 1.1.3. Purpose and Intent

The zoning provisions in this Chapter are for the general purpose of promoting the health, safety and general welfare of the public. To these ends, the zoning provisions are designed to:

A. Implement the policies and goals of officially adopted plans, including the Comprehensive Plan;

B. Provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime, and other dangers;

C. Reduce or prevent congestion in the public streets;

D. Facilitate the creation of a convenient, attractive, and harmonious community;

E. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;

F. Protect against destruction of or encroachment upon historic areas;

G. Protect against one or more of the following: undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;

H. Encourage economic development activities that provide desirable employment and enlarge the tax base;

I. Provide for the preservation lands of significance for the protection of the natural environment;

J. Promote the creation and preservation of affordable housing suitable for meeting the current and

future needs of the City as well as a reasonable proportion of the current and future needs of the region within which the City is situated;

K. Promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing by providing for optional increases in density in order to reduce land costs for such moderately priced housing; and

L. Provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (*42 U.S.C. § 12131 et seq.*) or state and federal fair housing laws, as applicable.

## 1.1.4. Relationship to the Comprehensive Plan

The Comprehensive Plan serves as the basic policy guidance for development activity under this Development Code. The policies and action items of the Comprehensive Plan may be amended from time to time to meet the changing requirements of the City in accordance with the standards and procedures in *5.2.2. Comprehensive Plan Adoption* and *5.2.3. Comprehensive Plan Amendment*.

## 1.1.5. Minimum Requirements

The regulations and standards set forth within this Development Code will be held to be the minimum requirements for the promotion of the public safety, necessity, convenience, general welfare, and good zoning and subdivision practice.

## 1.1.6. Effective Date and Vesting

### A. Effective Date

The Development Code of the City of Charlottesville, Virginia was adopted on _____, 2023, and became effective on _____, 202_.

### B. Grandfathered Applications

Nothing in this Development code will be construed to authorize the impairment of any vested right under *Code of Virginia, § 15.2-2307.*

### C. Effect of Prior Code

The provisions of this chapter, insofar as they are the same as those in effect immediately preceding this Chapter will be considered as continuations thereof and not as new enactments. All provisions of such prior zoning code in conflict with this chapter are hereby repealed.

## 1.1.7. Severability

A. Except where otherwise expressly provided, should any section or provision of this Chapter be adjudged invalid by a court of competent jurisdiction, such judgment will not affect the validity of the remainder of this Chapter and such remainder will continue in full force and effect.

B. Should the application of any section or provision of this Chapter to a particular property, building, structure or use be adjudged invalid by a court of competent jurisdiction such judgment will not affect the application of that section or provision to any other property, building, structure or use.

## 1.1.8. Adopted Manuals

The following external technical manuals are maintained by the City and referenced in this Development Code:

A. Standards and Design Manual;

B. Affordable Dwelling Unit Monitoring and Procedures Manual;

C. Best Management Practices for Tree Preservation, Transplanting, Removal and Replacement Manual;

D. Master Tree List;

E. Development Review Administration Manual;

F. Architectural Design Control Districts Design Guidelines;

G. Historic Conservation Districts Design Guidelines; and

H. Entrance Corridor Design Guidelines.

# DIV. 1.2. OFFICIAL ZONING MAP

## 1.2.1. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of zoning districts shown on the official zoning map, the following rules will apply:

A. Boundaries indicated as approximately following the centerlines of streets, rights-of-way, or alleys will be construed to follow such centerlines;

B. Boundaries indicated as approximately following platted lot lines will be construed to follow such platted lot lines;

C. Boundaries indicated as approximately following the centerlines of bodies of water will be construed to follow such centerlines. In the event such centerlines move as the result of natural forces, the boundaries will also move; and

D. Whenever any dedicated street, alley or other public right-of-way is vacated by the City Council, the zoning district boundaries adjoining each side of such street, alley or public right-of-way will automatically be extended to the centerline of the vacated premises.

## 1.2.2. Unzoned Parcels

Any parcel of land unclassified by the official zoning map and for which none of the Rules of Zoning Districts in this Development Code apply, as well as land newly annexed into the City, will be designated as follows:

A. Whenever new territory comes within the City limits, the City Council, upon recommendation of the Planning Commission, will determine which of the City's zoning districts most closely approximates the zoning applicable to the territory immediately prior to the annexation, and such determination will become the interim zoning applicable to such territory.

B. Within 6 months following the effective date of the final court order of annexation, such interim zoning must either be affirmed by the City Council or new zoning must be established in accordance with law.

# DIV. 1.3. DISTRICTS ESTABLISHED

In order to carry out the purposes and intent of this Development Code, the following base and overlay zoning districts are established.

| RESIDENTIAL |
| --- |
| **R-A** Residential A |
| RN-A Residential Core Neighborhood A |
| **R-B** Residential B |
| **R-C** Residential C |
| **RESIDENTIAL MIXED USE** |
| **RX-3** Residential Mixed Use 3 |
| **RX-5** Residential Mixed Use 5 |
| **CORRIDOR MIXED USE** |
| **CX-3** Corridor Mixed Use 3 |
| **CX-5** Corridor Mixed Use 5 |
| **CX-8** Corridor Mixed Use 8 |
| **NODE MIXED USE** |
| **NX-3** Node Mixed Use 3 |
| **NX-5** Node Mixed Use 5 |
| **NX-8** Node Mixed Use 8 |
| **NX-10** Node Mixed Use 10 |
| **DX** Downtown Mixed Use |
| **INDUSTRIAL FLEX** |
| **IX-5** Industrial Flex 5 |
| **IX-8** Industrial Flex 8 |
| **SPECIAL** |
| **CM** Campus |
| **CV** Civic |
| **PK** Park |

| OVERLAY DISTRICTS |
| --- |
| **-FHP** Flood Hazard Protection |
| **-ADC** Architectural Design Control |
| **-IPP** Individual Protected Properties |
| **-HC** Historic Conservation |
| **-EC** Entrance Corridors |
| -NC Core Neighborhood Corridors |

ARTICLE 2.

# ZONING DISTRICTS


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# DIV. 2.1. OPENING PROVISIONS

## 2.1.1. How to Use this Article

### A. District Pages

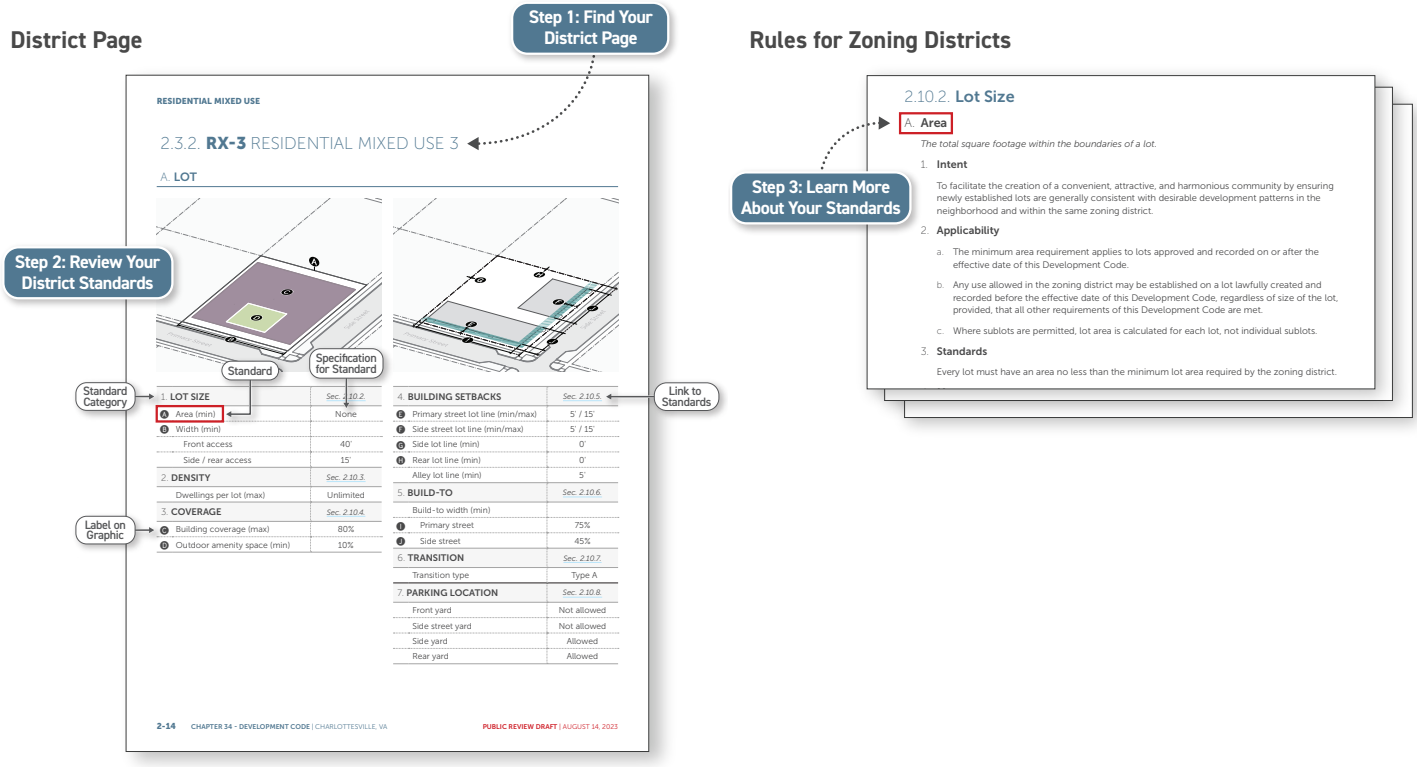
1. Each zoning district is formatted on a set of district pages, identifying the standards specific to each zoning district. The pages are formatted as a set of graphics and tables, starting with lot standards on the first page and building standards on the second page.

2. The tables are organized into categories of district standards, with specific standards listed below each category. Each district standard category provides a linked reference to the Rules for Zoning Districts, where the standards within that category are explained in further detail.

### B. Rules for Zoning Districts

1. *Div. 2.10. Rules for Zoning Districts* describes the standards for zoning districts in detail. Each requirement includes a definition, intent statement, applicability, standards for meeting the requirement, rules for measurement, exceptions and relief, if any.

2. *Div. 2.10. Rules for Zoning Districts* is generally organized in the same order as tables in the zoning district pages. This Division starts with a set of general terms and designations that includes definitions and standards for terminology primarily used in this Article. Definitions and standards for terms used more broadly throughout the Code are found in *Article 7. General Standards and Definitions*.


District Page
Step 1: Find Your District Page
RESIDENTIAL MIXED USE
2.3.2. RX-3 RESIDENTIAL MIXED USE 3
A. LOT
Step 2: Review Your District Standards
Standard
Specification for Standard
Standard Category
Link to Standards
Label on Graphic
1. LOT SIZE
A Area (min)
None
B Width (min)
Front access
40'
Side / rear access
15'
2. DENSITY
Dwellings per lot (max)
Unlimited
3. COVERAGE
C Building coverage (max)
80%
D Outdoor amenity space (min)
10%
4. BUILDING SETBACKS
E Primary street lot line (min/max)
5' / 15'
F Side street lot line (min/max)
5' / 15'
G Side lot line (min)
0'
H Rear lot line (min)
0'
Alley lot line (min)
5'
5. BUILD-TO
Build-to width (min)
I Primary street
75%
J Side street
45%
6. TRANSITION
Transition type
Type A
7. PARKING LOCATION
Front yard
Not allowed
Side street yard
Not allowed
Side yard
Allowed
Rear yard
Allowed
2-14 CHAPTER 34 - DEVELOPMENT CODE | CHARLOTTESVILLE, VA
PUBLIC REVIEW DRAFT | AUGUST 14, 2023
Rules for Zoning Districts
Step 3: Learn More About Your Standards
2.10.2. Lot Size
A. Area
The total square footage within the boundaries of a lot.
1. Intent
To facilitate the creation of a convenient, attractive, and harmonious community by ensuring newly established lots are generally consistent with desirable development patterns in the neighborhood and within the same zoning district.
2. Applicability
a. The minimum area requirement applies to lots approved and recorded on or after the effective date of this Development Code.
b. Any use allowed in the zoning district may be established on a lot lawfully created and recorded before the effective date of this Development Code, regardless of size of the lot, provided, that all other requirements of this Development Code are met.
c. Where sublots are permitted, lot area is calculated for each lot, not individual sublots.
3. Standards
Every lot must have an area no less than the minimum lot area required by the zoning district.

## 2.1.2. Applicability

A. Zoning district requirements apply based on the types of project activities proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, an expansion of an existing use may include both an addition and a facade modification).

| | | PROJECT ACTIVITY | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| DISTRICT REQUIREMENTS | | Subdivision | New Construction | Addition | Site Modification | Facade Modification | Change of Use | Renovation | Maintenance and Repair |
| Lot Size | Sec. 2.10.2. | ● | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| Density | Sec. 2.10.3. | ○ | ● | ● | ○ | ○ | ● | ● | ○ |
| Coverage | Sec. 2.10.4. | ○ | ● | ● | ● | ○ | ● | ○ | ○ |
| Building Setbacks | Sec. 2.10.5. | ○ | ● | ● | ○ | ○ | ○ | ○ | ○ |
| Build-To | Sec. 2.10.6. | ○ | ● | ● | ○ | ○ | ○ | ○ | ○ |
| Transitions | Sec. 2.10.7. | ○ | ● | ● | ● | ○ | ○ | ○ | ○ |
| Parking Location | Sec. 2.10.8. | ○ | ● | ● | ● | ○ | ○ | ○ | ○ |
| Height | Sec. 2.10.9. | ○ | ● | ● | ○ | ○ | ○ | ○ | ○ |
| Massing | Sec. 2.10.10. | ○ | ● | ● | ○ | ○ | ○ | ○ | ○ |
| Ground Story | Sec. 2.10.11. | ○ | ● | ● | ○ | ○ | ○ | ○ | ○ |
| Transparency | Sec. 2.10.12. | ○ | ● | ● | ○ | ● | ○ | ○ | ○ |
| Entrances | Sec. 2.10.13. | ○ | ● | ● | ○ | ● | ○ | ○ | ○ |
| Fences and Walls | Sec. 2.10.14. | ○ | ● | ● | ● | ○ | ○ | ○ | ○ |

**KEY:** ● = Standards generally apply ○ = Standards do not apply

B. Project activities are defined in *7.1.2. General Terminology and Measurements*.

C. Where a Section is listed as applying, and the zoning district includes standards for that requirement, all applicable standards must be met. The applicable standards may be further modified by the applicability provisions for each set of standards in *Div. 2.10. Rules for Zoning Districts*. Applicability may also be modified by *Div. 5.3. Nonconformities*.

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# DIV. 2.2. **RESIDENTIAL**

## 2.2.1. **Summary of Districts**

A walkable neighborhood environment intended to accommodate a variety of housing options including single-unit homes, duplexes, triplexes, fourplexes, townhouses, and small apartments in General Residential and Medium-Intensity Residential areas designated in the Comprehensive Plan, supporting and within walking distance of neighborhood-serving retail, food, and service uses.

The Residential Core Neighborhood A (RN-A) district is established in recognition of the significance of historic Downtown neighborhoods that provide workforce housing serving important job centers of Charlottesville's Downtown and the University of Virginia. These neighborhoods are recognized in the City for their affordability and for the diverse range of households that have been able to make their homes there. The intent of this district is to encourage the construction and continued existence of moderately priced housing, the creation and preservation of affordable housing, to respect the cultural heritage of the neighborhoods, and to support the overall promotion of a convenient an harmonious community.

Alternate Forms (*Div. 2.8. Alternate Forms*) allow for some additional neighborhood-serving commercial forms within Residential (R-) districts that are limited in scale, location, and extent.

The following table includes a summary of the base allowances for each district. Detailed requirements and potential bonus allowances are further described in this Division.

## R-A

25’ or 40’ lot width (min)

3 dwelling units (max)

2.5 stories / 32’ height (max)

60’ building width (max)

Limited small-scale commercial in some locations

## RN-A

25’ or 40’ lot width (min)

1 dwelling unit (max)

2.5 stories / 32’ height (max)

40’ building width (max)

Limited small-scale commercial in some locations

## R-B

25’ or 40’ lot width (min)

6 dwelling units (max)

2.5 stories / 32’ height (max)

60’ building width (max)

Limited small-scale commercial in some locations

## R-C

25’ or 40’ lot width (min)

8 dwelling units (max)

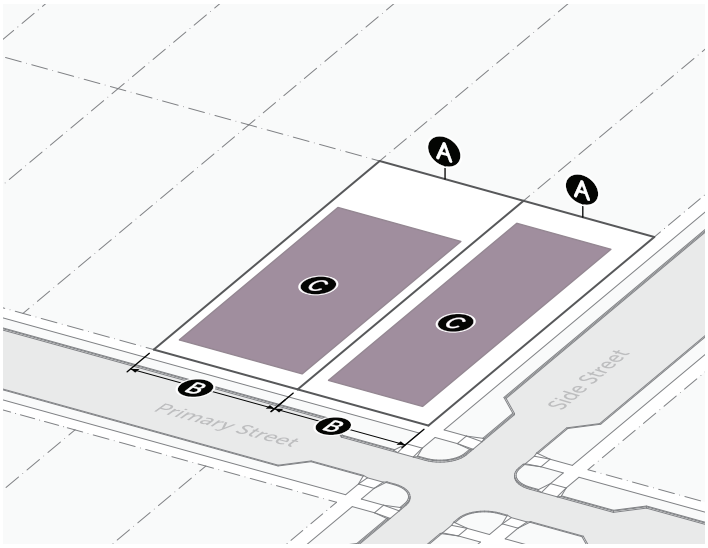
3 stories / 35’ height (max)

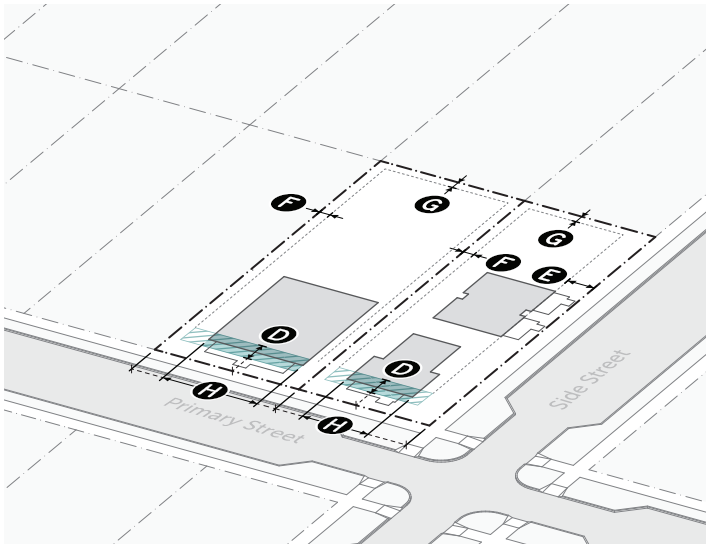
70’ building width (max)

Limited small-scale commercial in some locations

# 2.2.2. **R-A** RESIDENTIAL A

## A. LOT



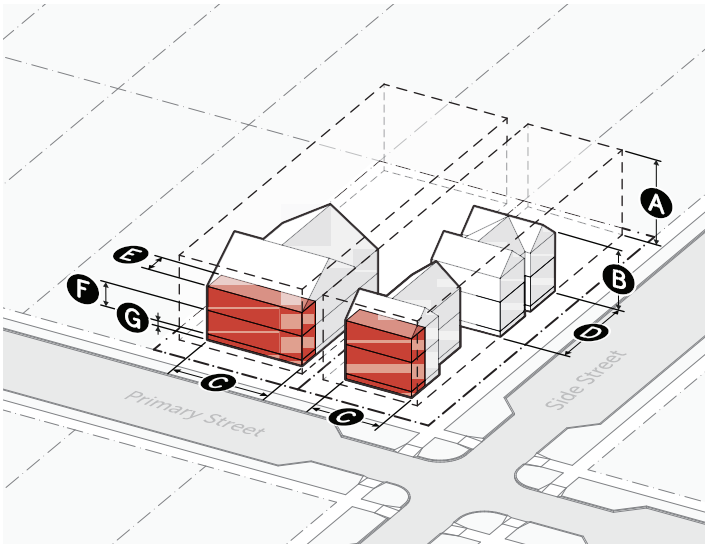




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | 6,000 SF |
| B Width (min) | |
| Front access | 40' |
| Side / rear access | 25' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | |
| Base | 3 |
| Bonus: Existing Structure Preservation | 4 |
| Bonus: Affordable Dwelling Unit | 6 |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | |
| Up to 2 units | 55% |
| 3 to 4 units | 60% |
| More than 4 units | 65% |
| Building footprint (max) | 3,000 SF |
| Outdoor amenity space (min) | None |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min/max) | 10' / 20' or Existing Range |
| E Side street lot line (min) | 10' |
| F Side lot line (min) | 4' |
| G Rear / alley lot line (min) | 4' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street | 50% |
| Side street | None |
| **6. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | |
| Up to 2 units | Driveway only |
| More than 2 units | Not allowed |
| Side street yard | |
| Up to 2 units | Driveway only |
| More than 2 units | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# R-A

## B. BUILDING

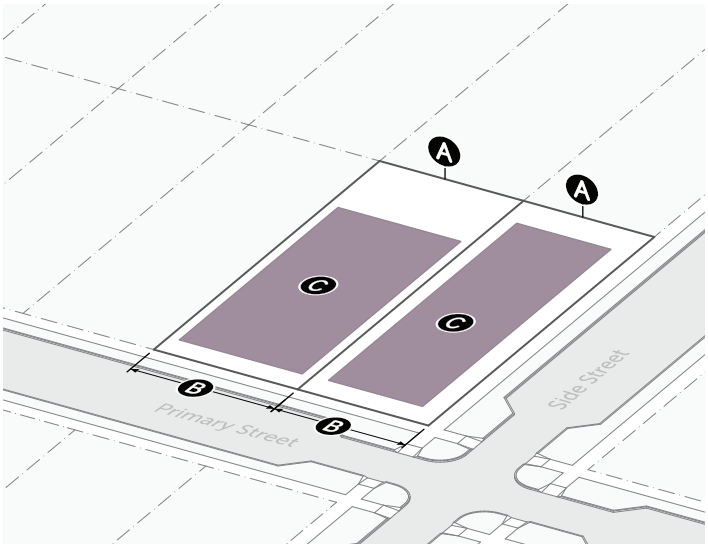


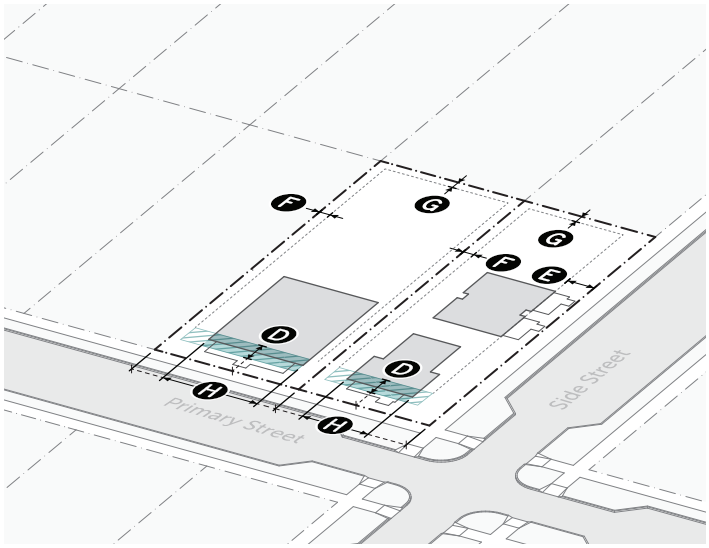
| | | |
|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | |
| A | Building height (max stories/feet) | |
| | 1 unit | 2.5 / 35' |
| | More than 1 unit | 3 / 40' |
| B | Side wall height (max) | |
| | 1 unit | 28' |
| | More than 1 unit | 40' |
| **2. MASSING** | *Sec. 2.10.10.* | |
| | Building width (max) | |
| C | Primary street | 60' |
| | ~~Up to 60' wide lot~~ | ~~40'~~ |
| | ~~More than 60' wide lot~~ | ~~60'~~ |
| D | Side street | 70' |
| E | Active depth (min) | 9' |
| **3. GROUND STORY** | *Sec. 2.10.11.* | |
| F | Ground story height (min) | 9' |
| G | Finished floor elevation (min/max) | 0' / 6' |

| | | Primary St. | Side St. |
|---|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | | |
| H | Ground story (min) | 20% | 15% |
| I | Upper story (min) | 10% | 10% |
| J | Blank wall width (max) | 10' | 20' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | | |
| K | Street-facing entry spacing (max) | 40' | 60' |
| | Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | | |
| | Front yard height (max) | 4' | |
| | Side street yard height (max) | | |
| | Within 3' of lot line | 4' | |
| | More than 3' from lot line | 6' | |

# 2.2.3. **RN-A** RESIDENTIAL CORE NEIGHBORHOOD A

## A. LOT



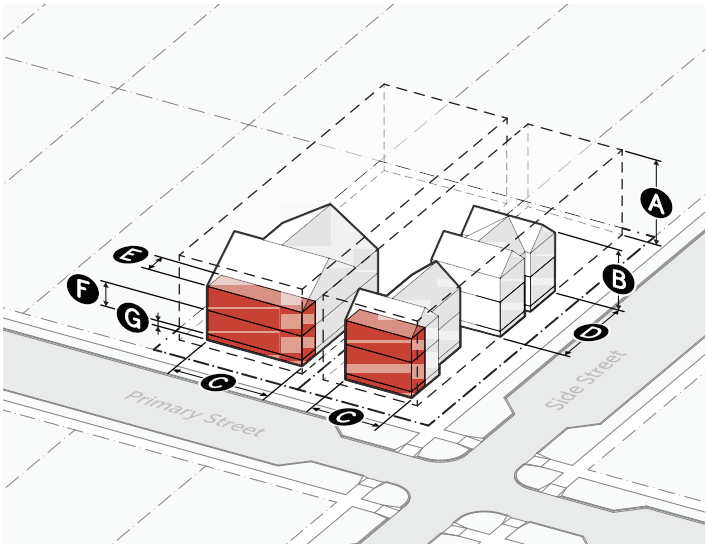




| 1. LOT SIZE | Sec. 2.10.2. |
|---|---|
| A Area (min) | 6,000 SF |
| B Width (min) | |
| Front access | 40' |
| Side / rear access | 25' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | |
| Base | 1 |
| Bonus: Existing Structure Preservation | 3 |
| Bonus: Affordable Dwelling Unit | 6 |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | |
| 1 unit | 45% |
| 2 units | 55% |
| 3 to 4 units | 60% |
| More than 4 units | 65% |
| Building footprint (max) | |
| Up to 2 units | 2,500 SF |
| More than 2 units | 3,000 SF |
| Outdoor amenity space (min) | None |

| 4. BUILDING SETBACKS | Sec. 2.10.5. |
|---|---|
| D Primary street lot line (min/max) | 10' / 20' or Existing Range |
| E Side street lot line (min) | 10' |
| F Side lot line (min) | 4' |
| G Rear / alley lot line (min) | 4' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street | 50% |
| Side street | None |
| **6. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | |
| Up to 2 units | Driveway only |
| More than 2 units | Not allowed |
| Side street yard | |
| Up to 2 units | Driveway only |
| More than 2 units | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# RN-A

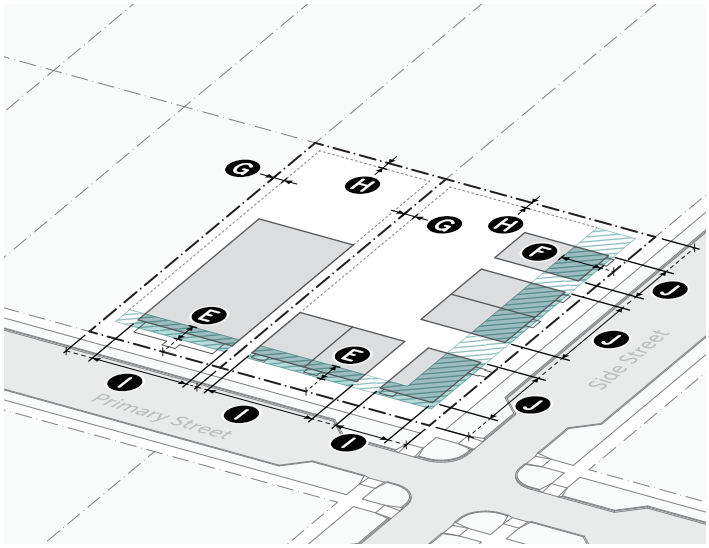
## B. BUILDING



| | | Primary St. | Side St. |
|---|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | | |
| A | Building height (max stories/feet) | 2.5 / 35' | |
| B | Side wall height (max) | 28' | |
| **2. MASSING** | *Sec. 2.10.10.* | | |
| | Building width (max) | | |
| C | Primary street | 40' | |
| D | Side street | 70' | |
| E | Active depth (min) | 9' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | | |
| F | Ground story height (min) | 9' | |
| G | Finished floor elevation (min/max) | 0' / 6' | |
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | | |
| H | Ground story (min) | 20% | 15% |
| I | Upper story (min) | 10% | 10% |
| J | Blank wall width (max) | 10' | 20' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | | |
| K | Street-facing entry spacing (max) | 40' | 60' |
| | Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | | |
| | Front yard height (max) | 4' | |
| | Side street yard height (max) | | |
| | Within 3' of lot line | 4' | |
| | More than 3' from lot line | 6' | |

# 2.2.4. **R-B** RESIDENTIAL B

## A. LOT




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | 2,500 SF |
| B Width (min) | |
| Front access | 40' |
| Side / rear access | 25' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | |
| Base | 6 |
| Bonus: Existing Structure Preservation | 8 |
| Bonus: Affordable Dwelling Unit | 12 |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | |
| Up to 4 units | 60% |
| 5 to 8 units | 65% |
| More than 8 units | 70% |
| Building footprint (max) | 3,500 SF |
| D Outdoor amenity space (min) | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| E Primary street lot line (min/max) | 10' / 20' or Existing Range |
| F Side street lot line (min/max) | 5' / 20' |
| G Side lot line (min) | 4' |
| H Rear / alley lot line (min) | 4' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| I Primary street | 65% |
| J Side street | 40% |
| **6. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | |
| Up to 2 units | Driveway only |
| More than 2 units | Not allowed |
| Side street yard | |
| Up to 2 units | Driveway only |
| More than 2 units | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

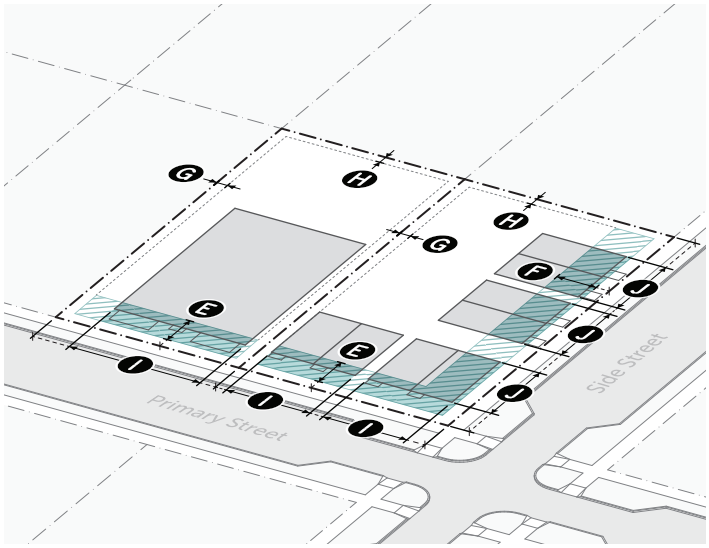
## B. BUILDING

| | | Primary St. | Side St. |
|---|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | | |
| A | Building height (max stories/feet) | | |
| | 1 unit | 2.5 / 35' | |
| | More than 1 unit | 3 / 40' | |
| B | Side wall height (max) | | |
| | 1 unit | 28' | |
| | More than 1 unit | 40' | |
| **2. MASSING** | *Sec. 2.10.10.* | | |
| | Building width (max) | | |
| C | Primary street | 60' | |
| | ~~Up to 60' wide lot~~ | ~~40'~~ | |
| | ~~More than 60' wide lot~~ | ~~60'~~ | |
| D | Side street | 90' | |
| E | Active depth (min) | 9' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | | |
| F | Ground story height (min) | 9' | |
| G | Finished floor elevation (min/max) | 0' / 6' | |

| | | Primary St. | Side St. |
|---|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | | |
| H | Ground story (min) | 20% | 15% |
| I | Upper story (min) | 10% | 10% |
| J | Blank wall width (max) | 10' | 20' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | | |
| K | Street-facing entry spacing (max) | 40' | 60' |
| | Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | | |
| | Front yard height (max) | 4' | |
| | Side street yard height (max) | | |
| | Within 3' of lot line | 4' | |
| | More than 3' from lot line | 6' | |

# 2.2.5. **R-C** RESIDENTIAL C

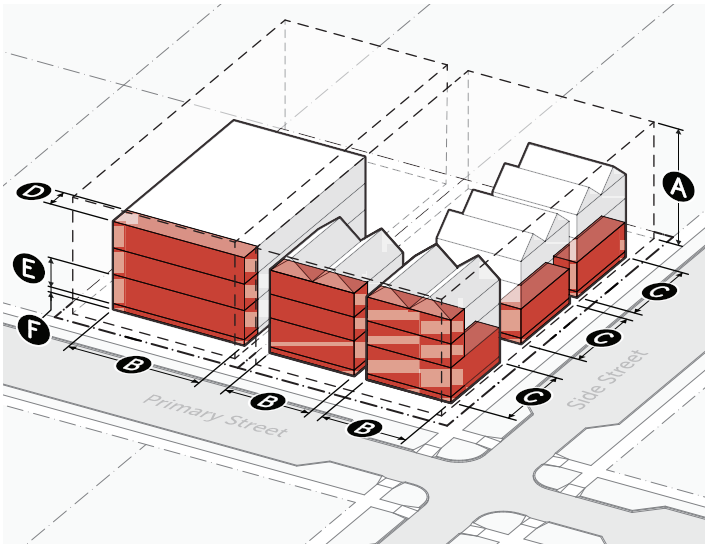
## A. LOT




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | 2,500 SF |
| B Width (min) | |
| Front access | 40' |
| Side / rear access | 25' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | |
| Base | 8 |
| Bonus: Existing Structure Preservation | 10 |
| Bonus: Affordable Dwelling Unit | 12 |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | |
| Up to 8 units | 65% |
| More than 8 units | 70% |
| Building footprint (max) | 4,000 SF |
| D Outdoor amenity space (min) | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| E Primary street lot line (min/max) | 10' / 20' or Existing Range |
| F Side street lot line (min/max) | 5' / 20' |
| G Side lot line (min) | 4' |
| H Rear / alley lot line (min) | 4' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| I Primary street | 65% |
| J Side street | 40% |
| **6. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | |
| Up to 2 units | Driveway only |
| More than 2 units | Not allowed |
| Side street yard | |
| Up to 2 units | Driveway only |
| More than 2 units | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

## B. BUILDING



| | | Primary St. | Side St. |
|---|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | | |
| A | Building height (max stories/feet) | | |
| | Base | 3.5 / 40' | |
| | Bonus: Affordable Dwelling Unit | 4 / 52' | |
| **2. MASSING** | *Sec. 2.10.10.* | | |
| | Building width (max) | | |
| B | Primary street | 70' | |
| C | Side street | 100' | |
| D | Active depth (min) | 9' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | | |
| E | Ground story height (min) | 9' | |
| F | Finished floor elevation (min/max) | 0' / 6' | |
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | | |
| G | Ground story (min) | 20% | 15% |
| H | Upper story (min) | 10% | 10% |
| I | Blank wall width (max) | 10' | 20' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | | |
| J | Street-facing entry spacing (max) | 40' | 60' |
| | Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | | |
| | Front yard height (max) | 4' | |
| | Side street yard height (max) | | |
| | Within 3' of lot line | 4' | |
| | More than 3' from lot line | 6' | |

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# DIV. 2.3. **RESIDENTIAL MIXED USE**

## 2.3.1. **Summary of Districts**

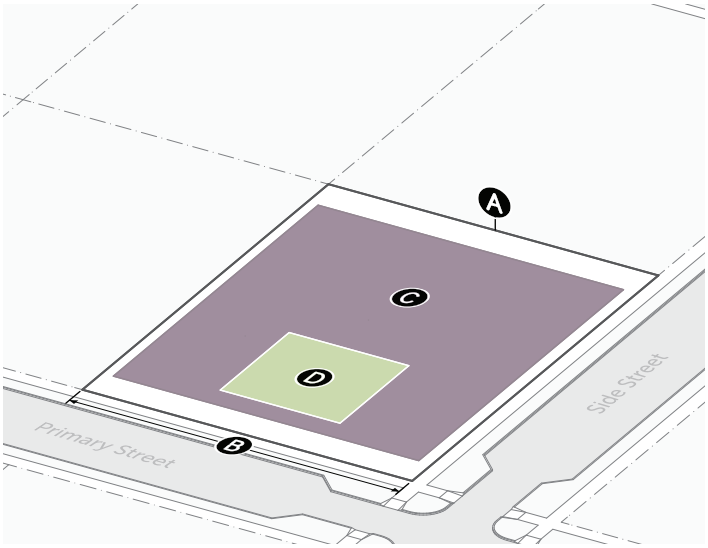
A walkable neighborhood environment intended to accommodate a variety of housing options including duplexes, triplexes, fourplexes, and townhouses up to larger apartment complexes in Higher-Intensity Residential areas designated in the Comprehensive Plan, supporting and within walking distance of neighborhood-serving retail, food, and service uses. Residential Mixed Use (RX-) districts allow for some neighborhood-serving commercial uses that are limited in scale and extent.

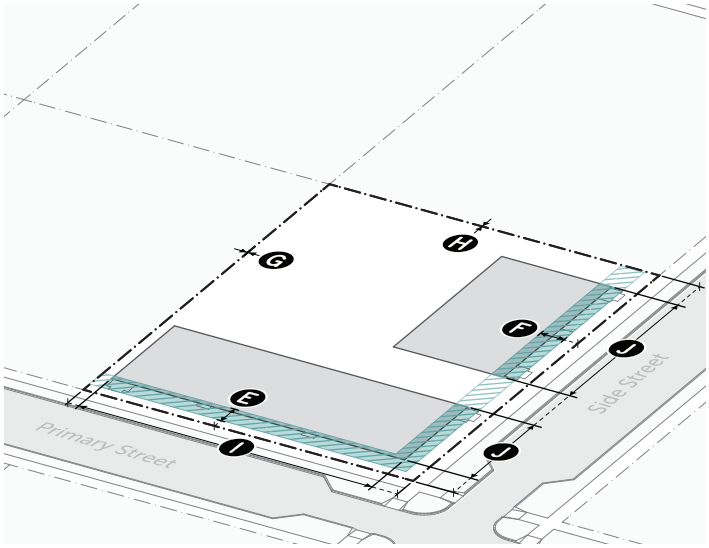
The following table includes a summary of the base allowances for each district. Detailed requirements and potential bonus allowances are further described in this Division.

| RX-3 | RX-5 |
|---|---|
| 15' or 40' lot width (min) | 15' or 40' lot width (min) |
| No density restrictions | No density restrictions |
| 3 stories / 44' height (max) | 5 stories / 72' height (max) |
| 175' building width (max) | 275' building width (max) |
| Limited small-scale commercial | Limited small-scale commercial |

# 2.3.2. **RX-3** RESIDENTIAL MIXED USE 3

## A. LOT



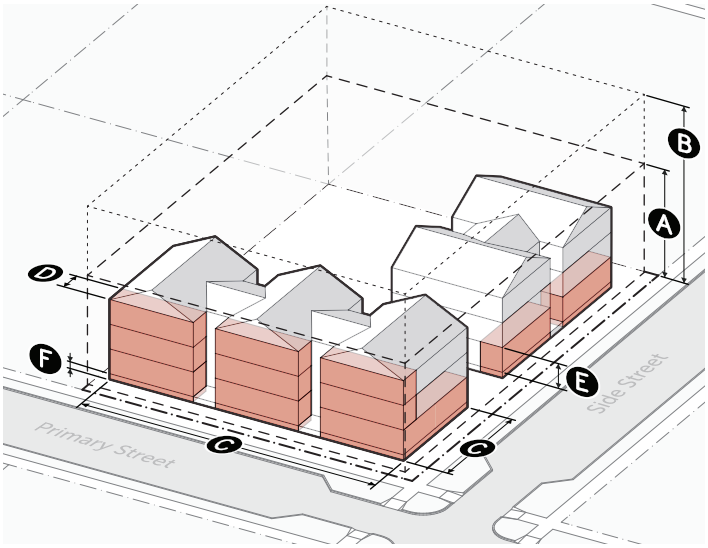




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 40' |
| Side / rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | 80% |
| D Outdoor amenity space (min) | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| E Primary street lot line (min/max) | 5' / 15' |
| F Side street lot line (min/max) | 5' / 15' |
| G Side lot line (min) | 0' |
| H Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| I Primary street | 75% |
| J Side street | 45% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type A |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# RX-3

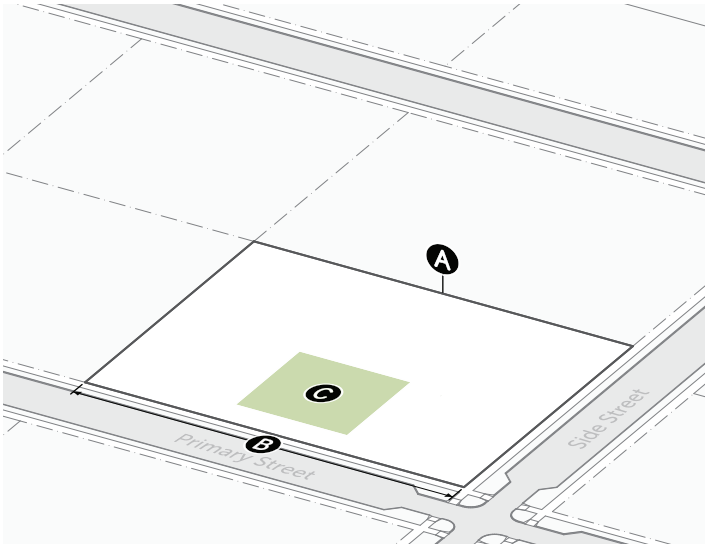
## B. BUILDING

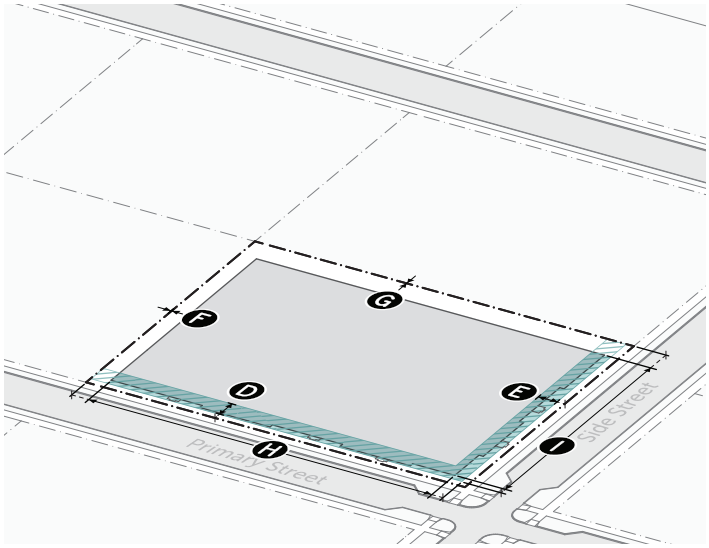


| | | Primary St. | Side St. |
|---|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | | |
| | Building height (max stories/feet) | | |
| A | Base | 3 / 44' | |
| B | Bonus | 5 / 72' | |
| **2. MASSING** | *Sec. 2.10.10.* | | |
| C | Building width (max) | 175' | |
| D | Active depth (min) | 9' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | | |
| E | Ground story height (min) | 10' | |
| F | Finished floor elevation (min/max) | 0' / 6' | |
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | | |
| G | Ground story (min) | 35% | 30% |
| H | Upper story (min) | 20% | 20% |
| I | Blank wall width (max) | 15' | 25' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | | |
| J | Street-facing entry spacing (max) | 40' | 60' |
| | Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | | |
| | Front yard height (max) | 4' | |
| | Side street yard height (max) | 6' | |

# 2.3.3. **RX-5** RESIDENTIAL MIXED USE 5

## A. LOT



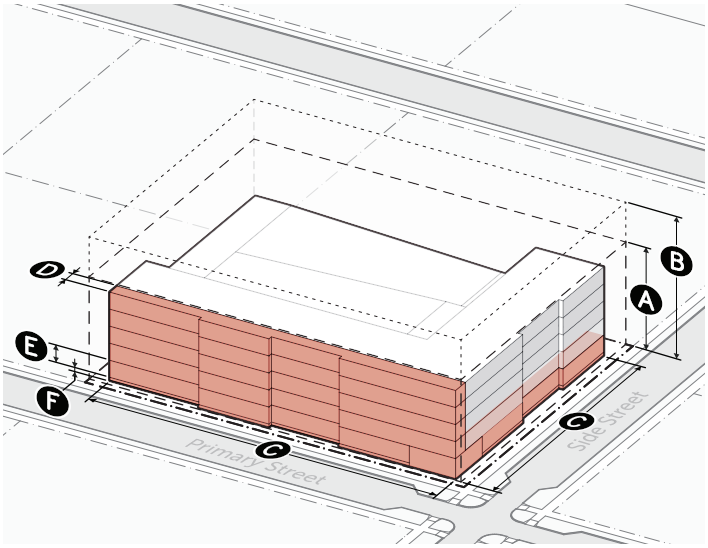



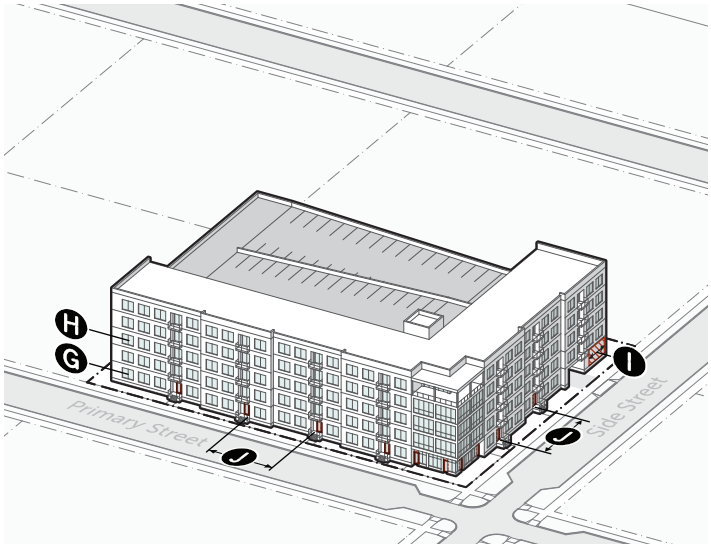

| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 40' |
| Side / rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| Building coverage (max) | None |
| C Outdoor amenity space (min) | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min/max) | 5' / 15' |
| E Side street lot line (min/max) | 5' / 15' |
| F Side lot line (min) | 0' |
| G Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street | 75% |
| I Side street | 45% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type B, C |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# RX-5

## B. BUILDING




| | | Primary St. | Side St. |
|---|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | | |
| | Building height (max stories/feet) | | |
| A | Base | 5 / 72' | |
| B | Bonus | 7 / 100' | |
| **2. MASSING** | *Sec. 2.10.10.* | | |
| C | Building width (max) | 275' | |
| D | Active depth (min) | 9' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | | |
| E | Ground story height (min) | 10' | |
| F | Finished floor elevation (min/max) | 0' / 6' | |

| | | Primary St. | Side St. |
|---|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | | |
| G | Ground story (min) | 35% | 30% |
| H | Upper story (min) | 20% | 20% |
| I | Blank wall width (max) | 15' | 25' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | | |
| J | Street-facing entry spacing (max) | 40' | 60' |
| | Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | | |
| | Front yard height (max) | 4' | |
| | Side street yard height (max) | 6' | |

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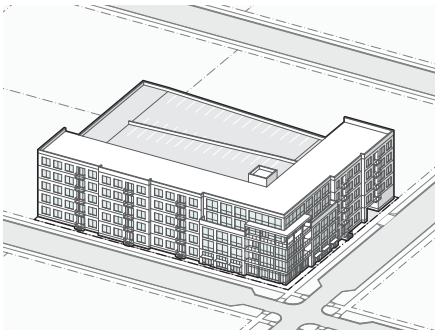
# DIV. 2.4. **CORRIDOR MIXED USE**

## 2.4.1. **Summary of Districts**

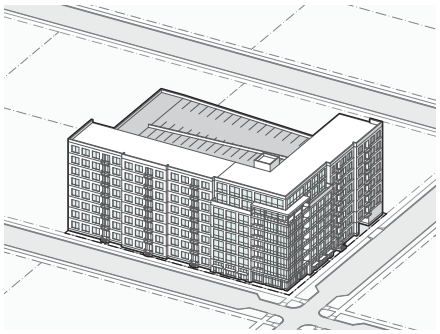
Moderate- and higher-intensity mixed use, office, and residential buildings intended to accommodate a variety of residential, retail, service, and commercial uses in a vibrant, pedestrian-friendly environment along Neighborhood and Urban Mixed Use Corridors designated in the Comprehensive Plan.

The following table includes a summary of the base allowances for each district. Detailed requirements and potential bonus allowances are further described in this Division.

| CX-3 |
|---|
| 15’ or 40’ lot width (min) |
| No density restrictions |
| 3 stories / 44’ height (max) |
| 275’ building width (max) |



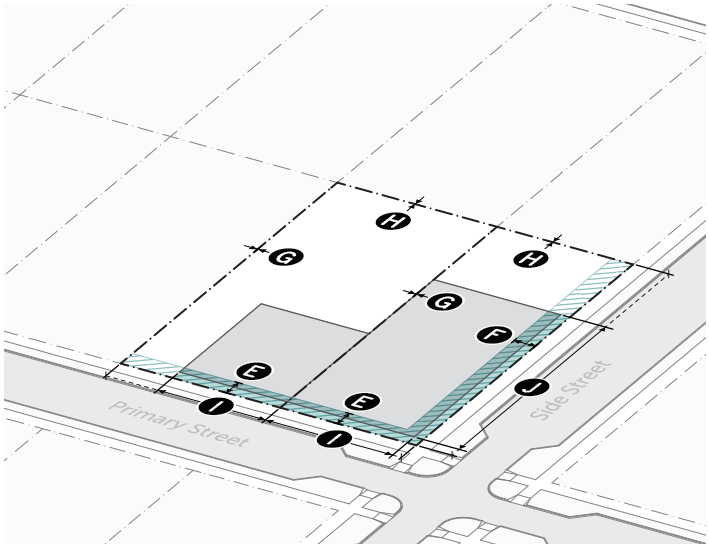
| CX-5 |
|---|
| 15’ or 40’ lot width (min) |
| No density restrictions |
| 5 stories / 72’ height (max) |
| 275’ building width (max) |



| CX-8 |
|---|
| 15’ or 40’ lot width (min) |
| No density restrictions |
| 8 stories / 114’ height (max) |
| 275’ building width (max) |

# 2.4.2. **CX-3** CORRIDOR MIXED USE 3

## A. LOT

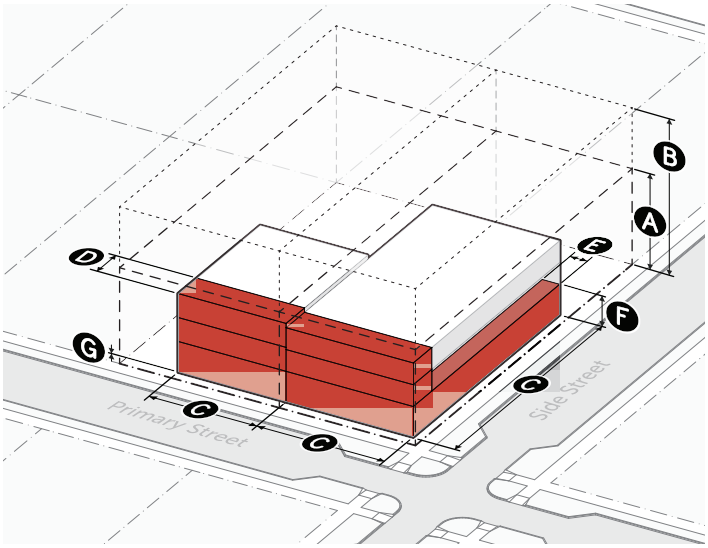


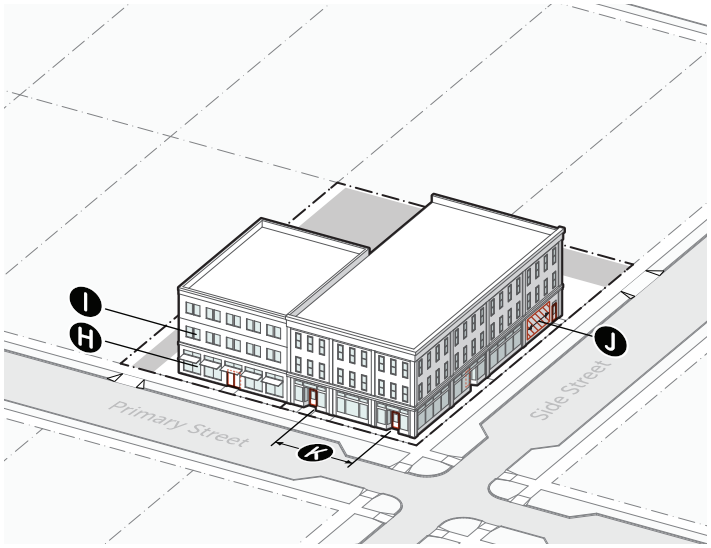

| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 40' |
| Side / rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | 80% |
| D Outdoor amenity space | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| E Primary street lot line (min/max) | 0' / 10' |
| F Side street lot line (min/max) | 0' / 10' |
| G Side lot line (min) | 0' |
| H Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| I Primary street | 75% |
| J Side street | 45% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type A |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# CX-3

## B. BUILDING



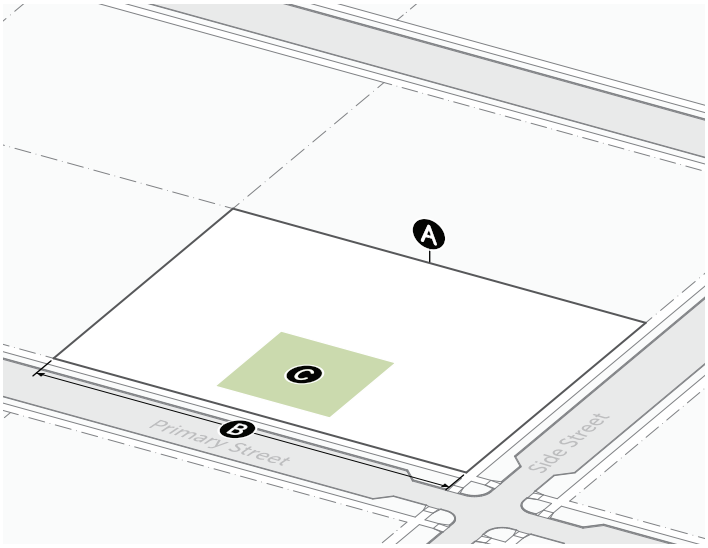



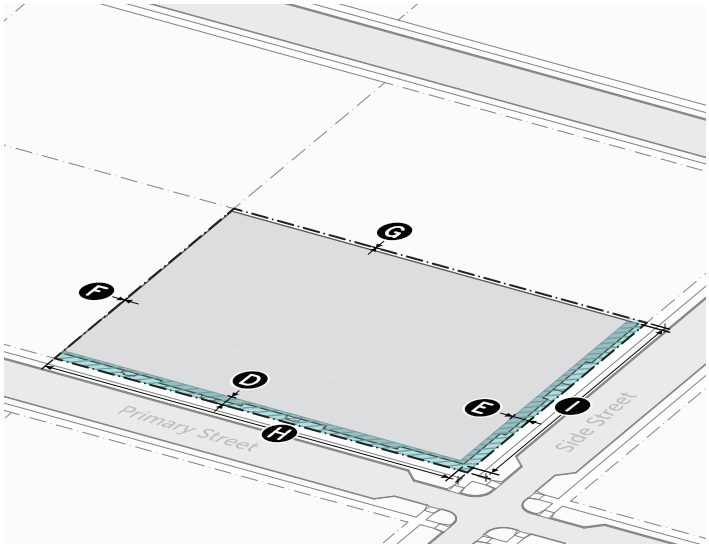

| | | |
|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | |
| Building height (max stories/feet) | | |
| A Base | 3 / 44' | |
| B Bonus | 5 / 72' | |
| **2. MASSING** | *Sec. 2.10.10.* | |
| C Building width (max) | 275' | |
| Active depth (min) | | |
| D Primary street | 15' | |
| E Side street | 9' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | |
| F Ground story height (min) | | |
| Residential | 10' | |
| Nonresidential | 14' | |
| G Finished floor elevation (min/max) | | |
| Residential | 0' / 6' | |
| Nonresidential | -2' / 6' | |

| | Primary St. | Side St. |
|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | |
| H Ground story (min) | | |
| Residential | 35% | 30% |
| Nonresidential | 50% | 30% |
| I Upper story (min) | 20% | 20% |
| J Blank wall width (max) | 15' | 25' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | |
| K Street-facing entry spacing (max) | 40' | 60' |
| Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 4' | |
| Side street yard height (max) | 6' | |

# 2.4.3. **CX-5** CORRIDOR MIXED USE 5

## A. LOT




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 40' |
| Side / rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| Building coverage (max) | None |
| C Outdoor amenity space | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min/max) | 0' / 10' |
| E Side street lot line (min/max) | 0' / 10' |
| F Side lot line (min) | 0' |
| G Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street | 75% |
| I Side street | 45% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type B, C |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# CX-5

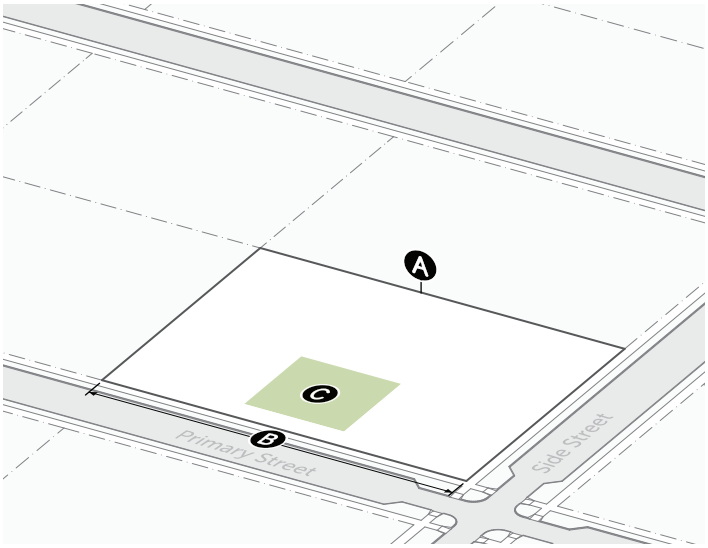
## B. BUILDING

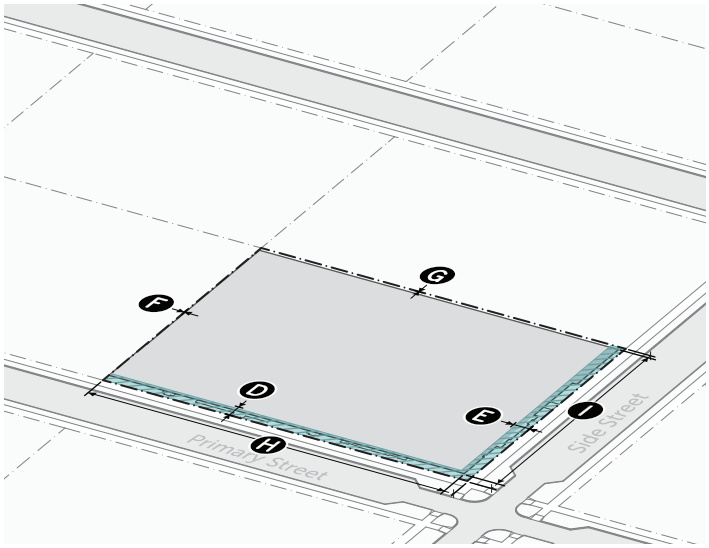
| | | |
|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | |
| Building height (max stories/feet) | | |
| A Base | 5 / 72' | |
| B Bonus | 7 / 100' | |
| **2. MASSING** | *Sec. 2.10.10.* | |
| C Building width (max) | 275' | |
| Active depth (min) | | |
| D Primary street | 15' | |
| E Side street | 9' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | |
| F Ground story height (min) | | |
| Residential | 10' | |
| Nonresidential | 14' | |
| G Finished floor elevation (min/max) | | |
| Residential | 0' / 6' | |
| Nonresidential | -2' / 6' | |

| | Primary St. | Side St. |
|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | |
| H Ground story (min) | | |
| Residential | 35% | 30% |
| Nonresidential | 50% | 30% |
| I Upper story (min) | 20% | 20% |
| J Blank wall width (max) | 15' | 25' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | |
| K Street-facing entry spacing (max) | 40' | 60' |
| Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 4' | |
| Side street yard height (max) | 6' | |

# 2.4.4. **CX-8** CORRIDOR MIXED USE 8

## A. LOT



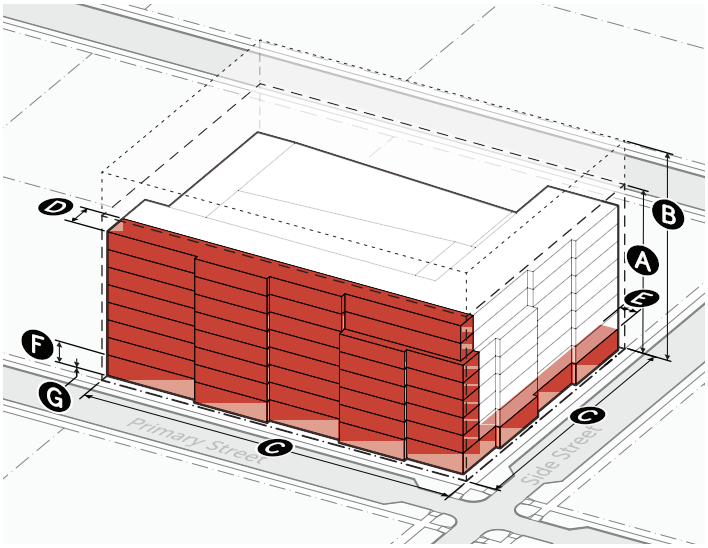




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 40' |
| Side / rear access | 15' |
| 2. **DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| 3. **COVERAGE** | *Sec. 2.10.4.* |
| Building coverage (max) | None |
| C Outdoor amenity space | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min/max) | 0' / 10' |
| E Side street lot line (min/max) | 0' / 10' |
| F Side lot line (min) | 0' |
| G Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| 5. **BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street | 75% |
| I Side street | 45% |
| 6. **TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type B, D |
| 7. **PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# CX-8

## B. BUILDING



| | | Primary St. | Side St. |
|---|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | | |
| | Building height (max stories/feet) | | |
| A | Base | 8 / 114' | |
| B | Bonus | 11 / 156' | |
| **2. MASSING** | *Sec. 2.10.10.* | | |
| C | Building width (max) | 275' | |
| | Active depth (min) | | |
| D | Primary street | 15' | |
| E | Side street | 9' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | | |
| F | Ground story height (min) | | |
| | Residential | 10' | |
| | Nonresidential | 14' | |
| G | Finished floor elevation (min/max) | | |
| | Residential | 0' / 6' | |
| | Nonresidential | -2' / 6' | |
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | | |
| H | Ground story (min) | | |
| | Residential | 35% | 30% |
| | Nonresidential | 50% | 30% |
| I | Upper story (min) | 20% | 20% |
| J | Blank wall width (max) | 15' | 25' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | | |
| K | Street-facing entry spacing (max) | 40' | 60' |
| | Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | | |
| | Front yard height (max) | 4' | |
| | Side street yard height (max) | 6' | |

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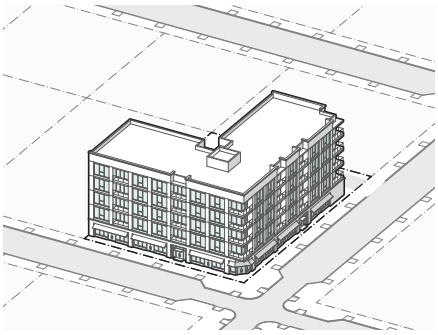
# DIV. 2.5. **NODE MIXED USE**

## 2.5.1. **Summary of Districts**

Moderate- and higher-intensity mixed use, office, and residential buildings intended to accommodate a variety of residential, retail, service, and commercial uses in a vibrant, pedestrian-friendly storefront environment in Neighborhood and Urban Mixed Use Nodes designated in the Comprehensive Plan. Uses are flexible, but tall ground floors with large areas of transparent glazing are required to accommodate retail-ready ground stories.

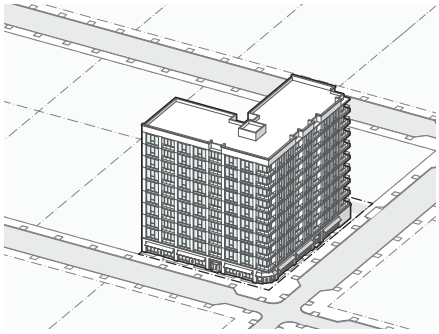
Downtown Mixed Use (DX) is intended to accommodate the City's most mixed use and pedestrian-friendly activity in the Downtown Core as designated in the Comprehensive Plan. Although buildings are allowed to be exclusively residential or nonresidential in use, the vertical mixing of uses is strongly encouraged. The following table includes a summary of the base allowances for each district. Detailed requirements and potential bonus allowances are further described in this Division.

| NX-3 |
|---|
| 15' or 60' lot width (min) |
| No density restrictions |
| 3 stories / 44' height (max) |
| 175' building width (max) |



| NX-5 |
|---|
| 15' or 60' lot width (min) |
| No density restrictions |
| 5 stories / 72' height (max) |
| 175' building width (max) |

| NX-8 |
|---|
| 15' or 60' lot width (min) |
| No density restrictions |
| 8 stories / 114' height (max) |
| 175' building width (max) |

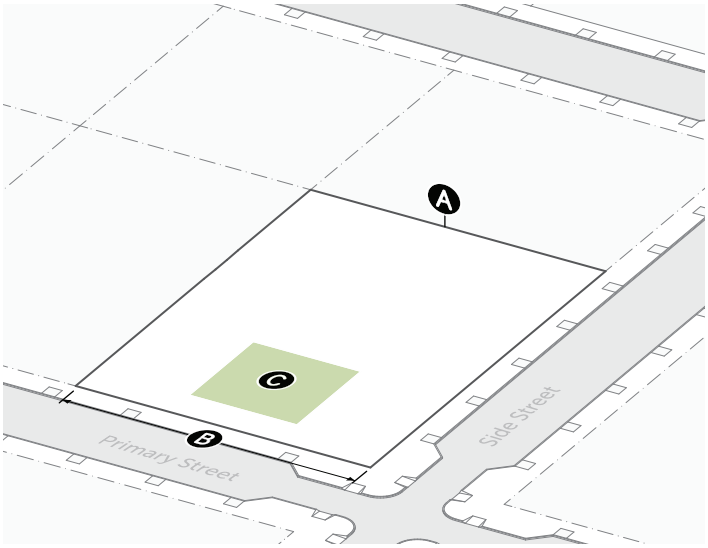


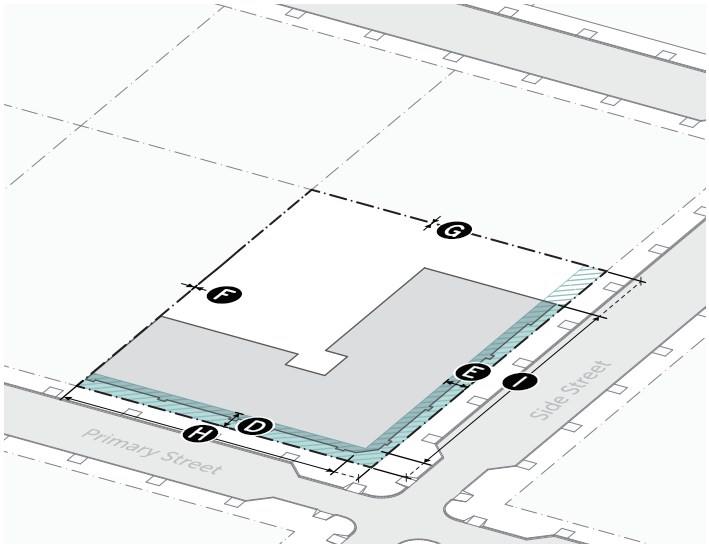
| NX-10 |
|---|
| 15' or 60' lot width (min) |
| No density restrictions |
| 10 stories / 142' height (max) |
| 175' building width (max) |

| DX |
|---|
| 15' or 60' lot width (min) |
| No density restrictions |
| 10 stories / 142' height (max) |
| 175' building width (max) |

# 2.5.2. **NX-3** NODE MIXED USE 3

## A. LOT



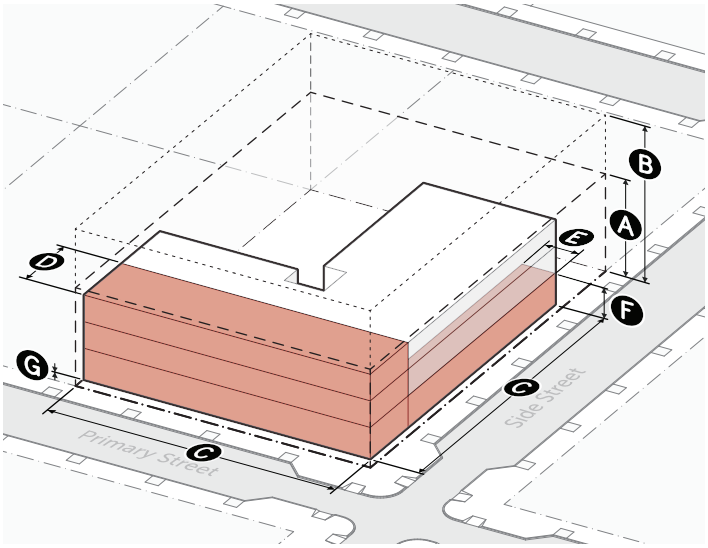




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 60' |
| Side / rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| Building coverage (max) | None |
| C Outdoor amenity space | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min/max) | 0' / 10' |
| E Side street lot line (min/max) | 0' / 10' |
| F Side lot line (min) | 0' |
| G Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street | 85% |
| I Side street | 65% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type A |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# NX-3

## B. BUILDING

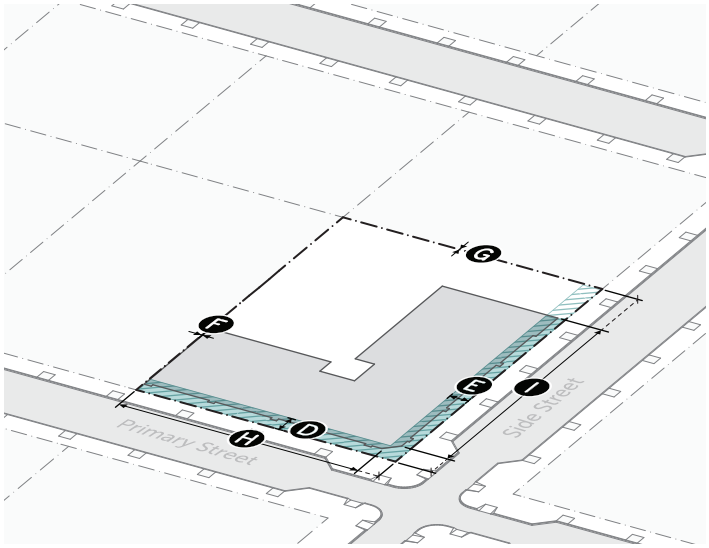


| | | |
|---|---|---|
| 1. **HEIGHT** | *Sec. 2.10.9.* | |
| Building height (max stories/feet) | | |
| A Base | 3 / 44' | |
| B Bonus | 5 / 72' | |
| 2. **MASSING** | *Sec. 2.10.10.* | |
| C Building width (max) | 175' | |
| Active depth (min) | | |
| D Primary street | 30' | |
| E Side street | 15' | |
| 3. **GROUND STORY** | *Sec. 2.10.11.* | |
| F Ground story height (min) | 14' | |
| G Finished floor elevation (min/max) | -2' / 6' | |

| | Primary St. | Side St. |
|---|---|---|
| 4. **TRANSPARENCY** | *Sec. 2.10.12.* | |
| H Ground story (min) | | |
| Primary street | 70% | 35% |
| Side street | 50% | 35% |
| I Upper story (min) | 20% | 20% |
| J Blank wall width (max) | 10' | 20' |
| 5. **ENTRANCES** | *Sec. 2.10.13.* | |
| K Street-facing entry spacing (max) | 40' | 60' |
| Entry feature | Yes | Yes |
| 6. **FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 0' | |
| Side street yard height (max) | 0' | |

# 2.5.3. **NX-5** NODE MIXED USE 5

## A. LOT

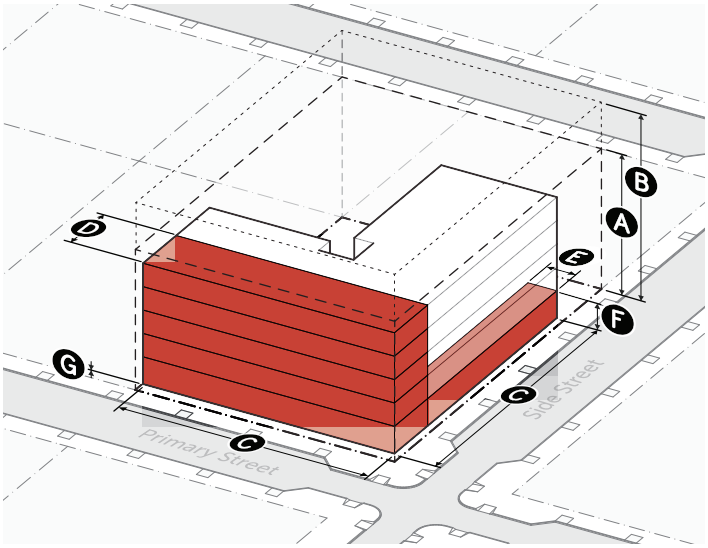


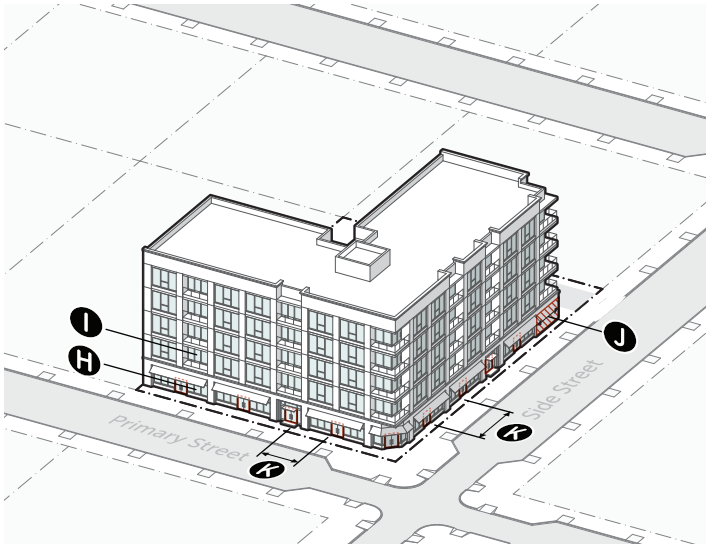

| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 60' |
| Side / rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| Building coverage (max) | None |
| C Outdoor amenity space | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min/max) | 0' / 10' |
| E Side street lot line (min/max) | 0' / 10' |
| F Side lot line (min) | 0' |
| G Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street | 85% |
| I Side street | 65% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type B, C |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# NX-5

## B. BUILDING



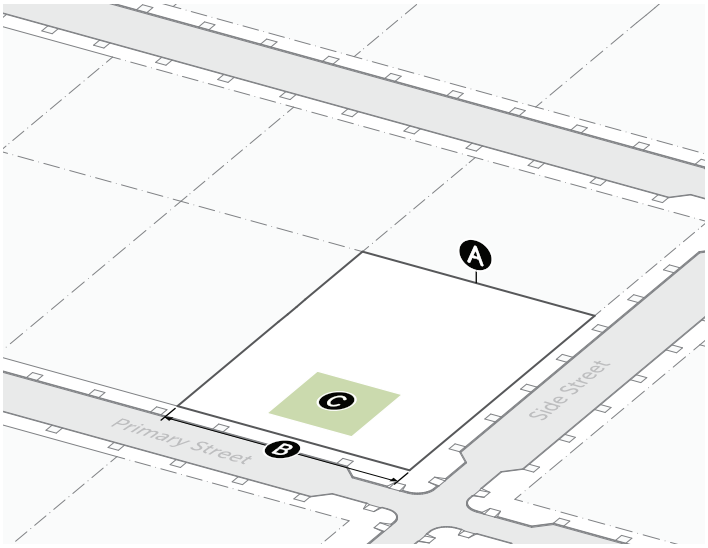



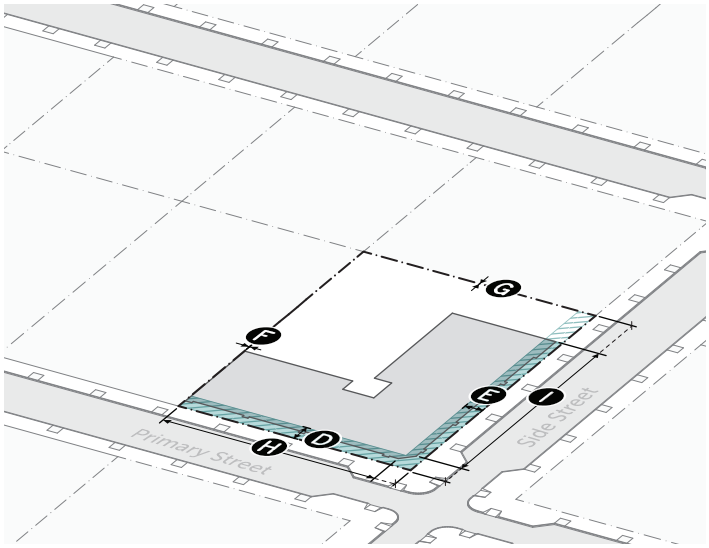

| | | |
|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | |
| Building height (max stories/feet) | | |
| A Base | 5 / 72' | |
| B Bonus | 7 / 100' | |
| **2. MASSING** | *Sec. 2.10.10.* | |
| C Building width (max) | 175' | |
| Active depth (min) | | |
| D Primary street | 30' | |
| E Side street | 15' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | |
| F Ground story height (min) | 14' | |
| G Finished floor elevation (min/max) | -2' / 6' | |

| | Primary St. | Side St. |
|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | |
| H Ground story (min) | | |
| Primary street | 70% | 35% |
| Side street | 50% | 35% |
| I Upper story (min) | 20% | 20% |
| J Blank wall width (max) | 10' | 20' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | |
| K Street-facing entry spacing (max) | 40' | 60' |
| Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 0' | |
| Side street yard height (max) | 0' | |

# 2.5.4. **NX-8** NODE MIXED USE 8

## A. LOT



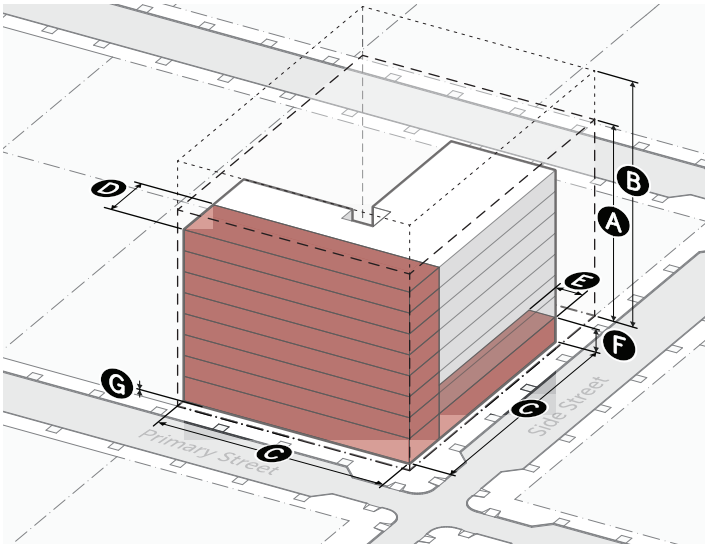




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 60' |
| Side / rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| Building coverage (max) | None |
| C Outdoor amenity space | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min/max) | 0' / 10' |
| E Side street lot line (min/max) | 0' / 10' |
| F Side lot line (min) | 0' |
| G Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street | 85% |
| I Side street | 65% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type B, D |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# NX-8

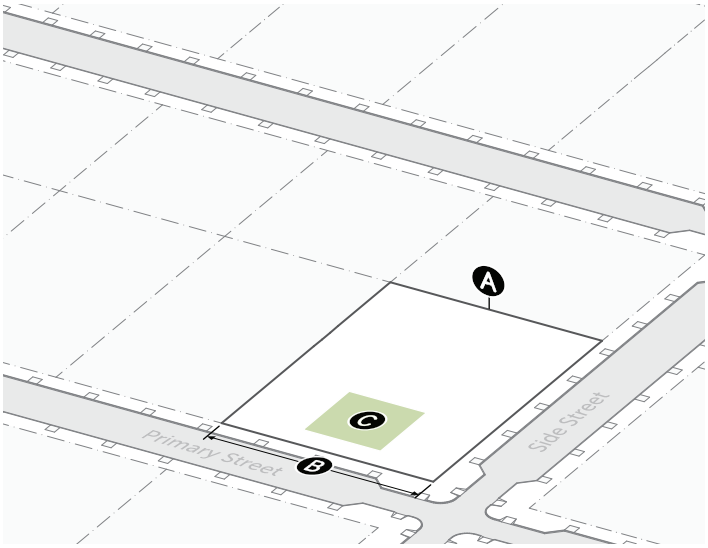
## B. BUILDING

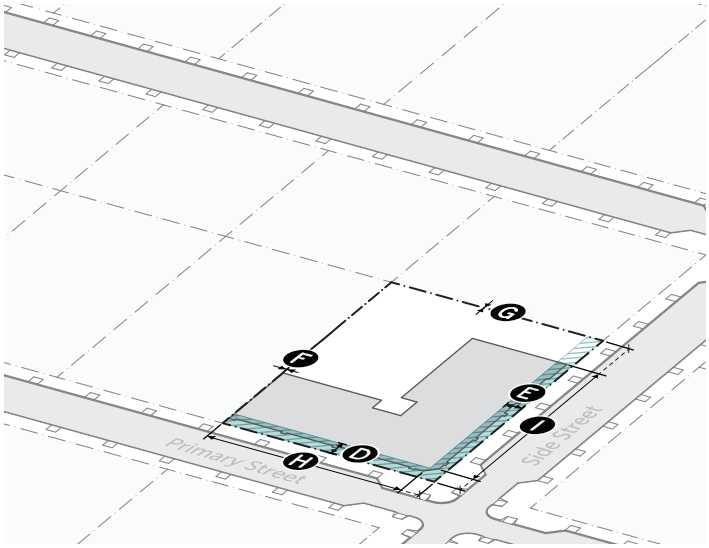


| | | Primary St. | Side St. |
|---|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | | |
| | Building height (max stories/feet) | | |
| A | Base | 8 / 114' | |
| B | Bonus | 11 / 156' | |
| **2. MASSING** | *Sec. 2.10.10.* | | |
| C | Building width (max) | 175' | |
| | Active depth (min) | | |
| D | Primary street | 30' | |
| E | Side street | 15' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | | |
| F | Ground story height (min) | 14' | |
| G | Finished floor elevation (min/max) | -2' / 6' | |
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | | |
| H | Ground story (min) | | |
| | Primary street | 70% | 35% |
| | Side street | 50% | 35% |
| I | Upper story (min) | 20% | 20% |
| J | Blank wall width (max) | 10' | 20' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | | |
| K | Street-facing entry spacing (max) | 40' | 60' |
| | Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | | |
| | Front yard height (max) | 0' | |
| | Side street yard height (max) | 0' | |

# 2.5.5. **NX-10** NODE MIXED USE 10

## A. LOT



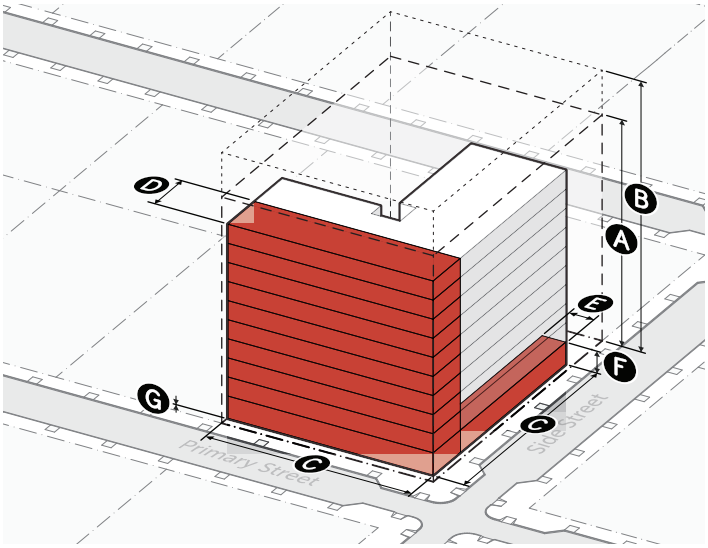



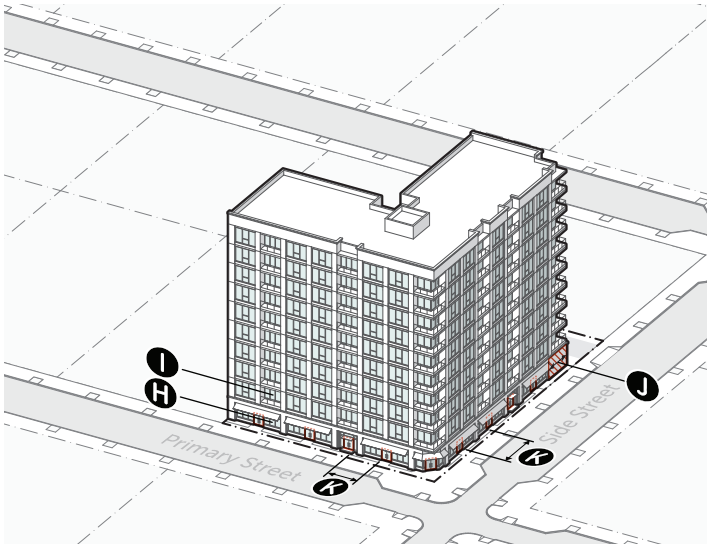

| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 60' |
| Side / rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| Building coverage (max) | None |
| C Outdoor amenity space | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min/max) | 0' / 10' |
| E Side street lot line (min/max) | 0' / 10' |
| F Side lot line (min) | 0' |
| G Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street | 85% |
| I Side street | 65% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type B, D |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# NX-10

## B. BUILDING



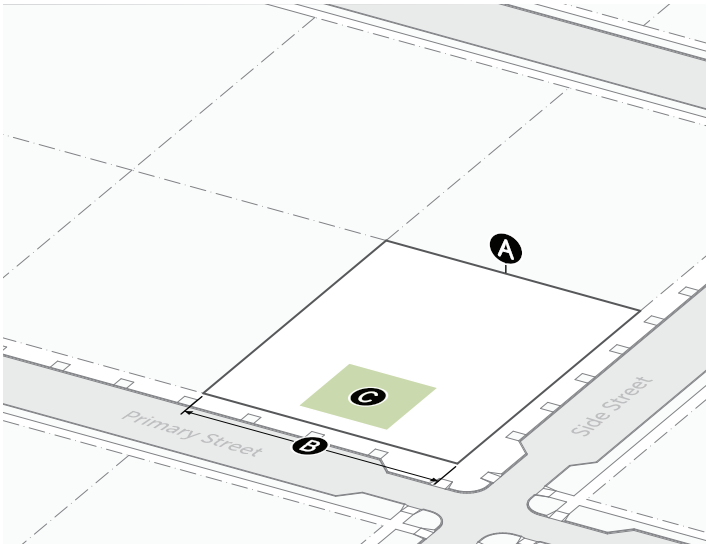



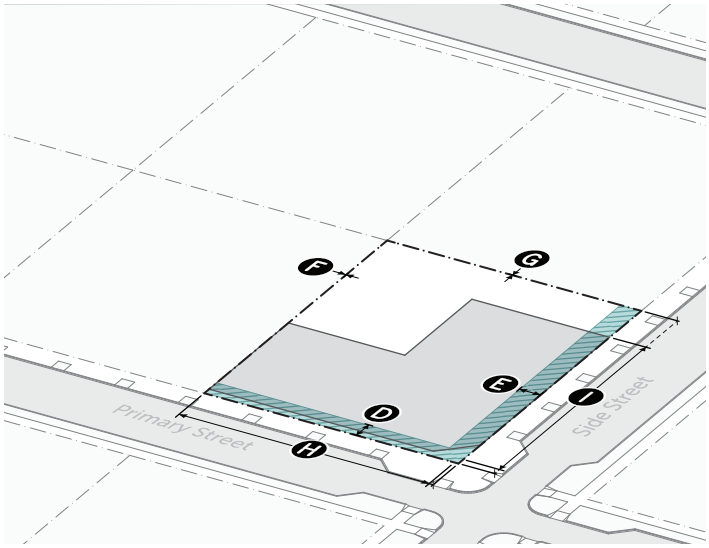

| | | |
|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | |
| Building height (max stories/feet) | | |
| A Base | 10 / 142' | |
| B Bonus | 13 / 184' | |
| **2. MASSING** | *Sec. 2.10.10.* | |
| C Building width (max) | 175' | |
| Active depth (min) | | |
| D Primary street | 30' | |
| E Side street | 15' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | |
| F Ground story height (min) | 14' | |
| G Finished floor elevation (min/max) | -2' / 6' | |

| | Primary St. | Side St. |
|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | |
| H Ground story (min) | | |
| Primary street | 70% | 35% |
| Side street | 50% | 35% |
| I Upper story (min) | 20% | 20% |
| J Blank wall width (max) | 10' | 20' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | |
| K Street-facing entry spacing (max) | 40' | 60' |
| Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 0' | |
| Side street yard height (max) | 0' | |

# 2.5.6. **DX** DOWNTOWN MIXED USE

## A. LOT

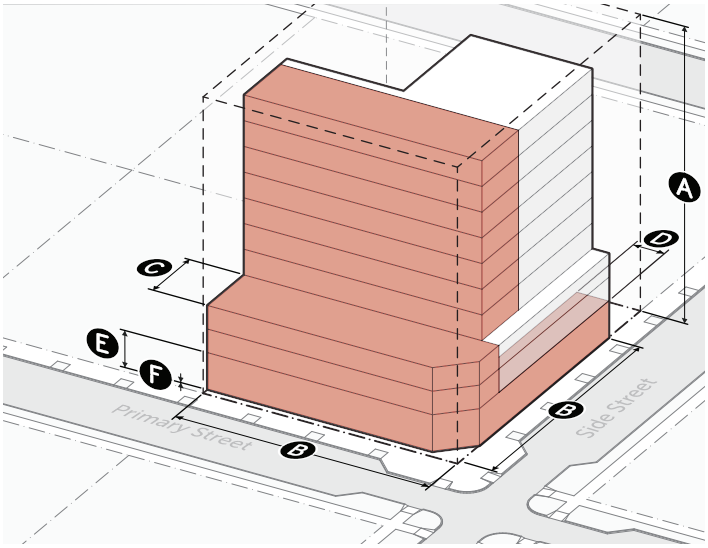



| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 60' |
| Side / rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| Building coverage (max) | None |
| C Outdoor amenity space | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min/max) | 0' / 10' |
| E Side street lot line (min/max) | 0' / 10' |
| F Side lot line (min) | 0' |
| G Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street | 85% |
| I Side street | 65% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type X |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

## B. BUILDING



| | | |
|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | |
| A Building height (max stories/feet) | ~~10 / 142' or BAR Review~~ | |
| Base | 10 / 142' | |
| Bonus | 13 / 184' | |
| ~~Street step-back~~ | | |
| ~~Stories without step-back (max)~~ | ~~3~~ | |
| ~~Step-back depth (min)~~ | ~~See Map~~ | |
| **2. MASSING** | *Sec. 2.10.10.* | |
| B Building width (max) | 175' | |
| Active depth (min) | | |
| C Primary street | 30' | |
| D Side street | 15' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | |
| E Ground story height (min) | 14' | |
| F Finished floor elevation (min/max) | -2' / 6' | |

| | Primary St. | Side St. |
|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | |
| G Ground story (min) | | |
| Primary street | 70% | 35% |
| Side street | 50% | 35% |
| H Upper story (min) | 20% | 20% |
| I Blank wall width (max) | 10' | 20' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | |
| J Street-facing entry spacing (max) | 40' | 60' |
| Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 0' | |
| Side street yard height (max) | 0' | |

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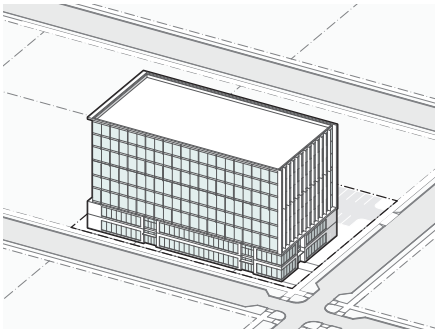
# DIV. 2.6. **INDUSTRIAL FLEX**

## 2.6.1. **Summary of Districts**

Primarily intended to accommodate a variety of light industrial and manufacturing uses in Business and Technology Mixed Use areas designated in the Comprehensive Plan, while also allowing for retail, service and commercial activity, and residential opportunities to create more pedestrian-friendly environments.

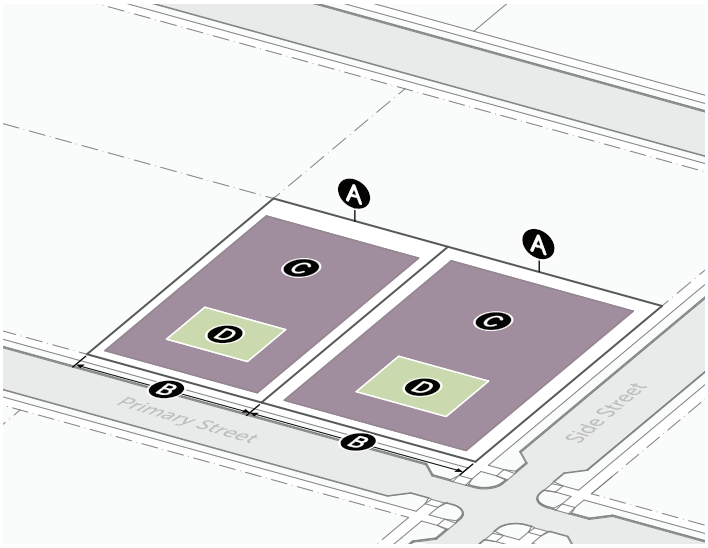
The following table includes a summary of the base allowances for each district. Detailed requirements and potential bonus allowances are further described in this Division.

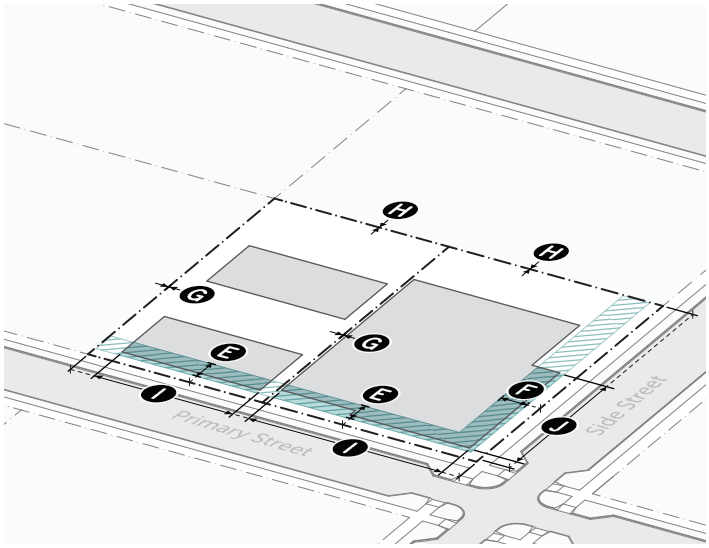


| IX-5 | IX-8 |
|---|---|
| 15’ or 40’ lot width (min) | 15’ or 40’ lot width (min) |
| No density restrictions | No density restrictions |
| 5 stories / 72’ height (max) | 8 stories / 114’ height (max) |
| 275’ building width (max) | 275’ building width (max) |
| Limited industrial | Limited industrial |

# 2.6.2. **IX-5** INDUSTRIAL FLEX 5

## A. LOT

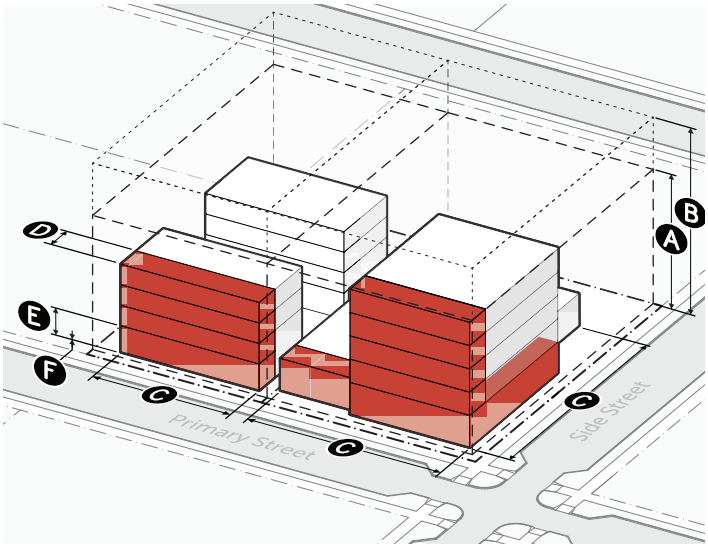


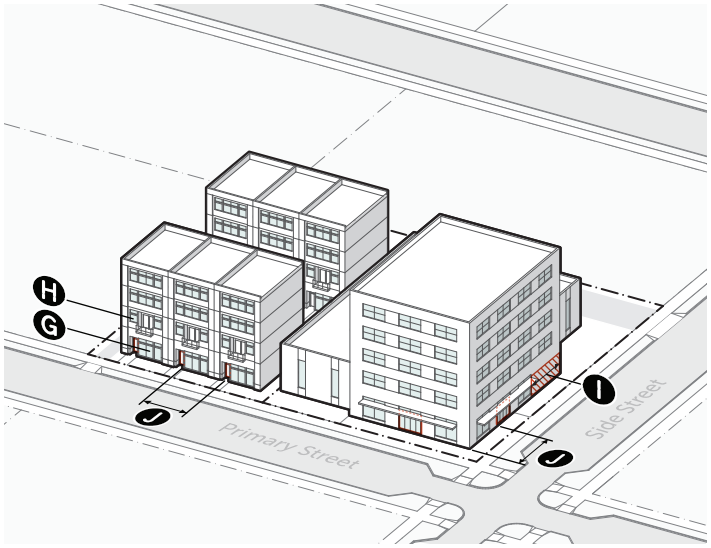




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 40' |
| Side / rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | 80% |
| D Outdoor amenity space | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| E Primary street lot line (min/max) | 5' / 20' |
| F Side street lot line (min/max) | 5' / 20' |
| G Side lot line (min) | 0' |
| H Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| I Primary street | 50% |
| J Side street | 40% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type B, C |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

## B. BUILDING



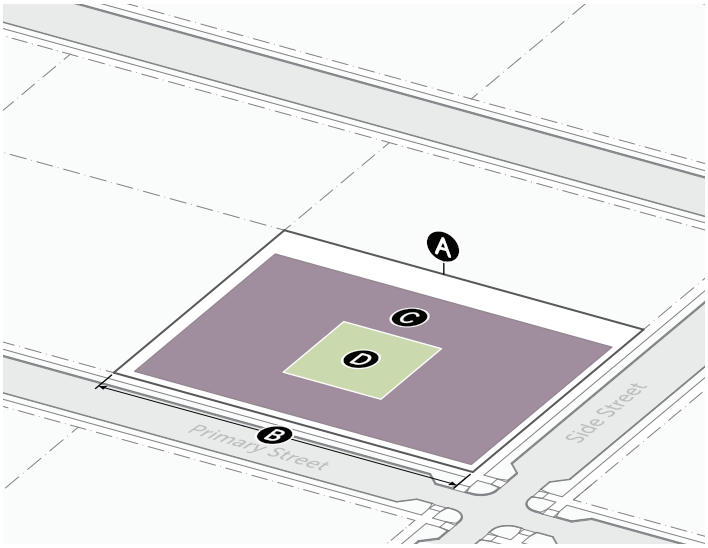



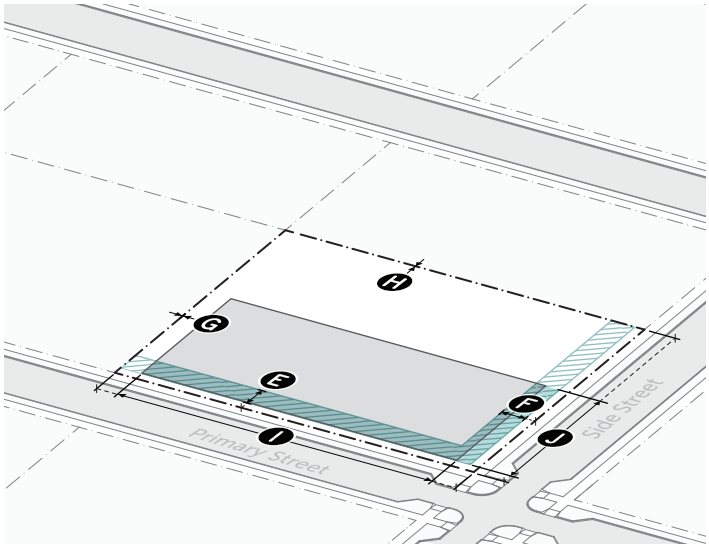

| | | Primary St. | Side St. |
|---|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | | |
| | Building height (max stories/feet) | | |
| A | Base | 5 / 72' | |
| B | Bonus | 7 / 100' | |
| **2. MASSING** | *Sec. 2.10.10.* | | |
| C | Building width (max) | 275' | |
| D | Active depth (min) | 15' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | | |
| E | Ground story height (min) | 14' | |
| F | Finished floor elevation (min/max) | -2' / 6' | |

| | | Primary St. | Side St. |
|---|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | | |
| G | Ground story (min) | 30% | 15% |
| H | Upper story (min) | 15% | 15% |
| I | Blank wall width (max) | 20' | 40' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | | |
| J | Street-facing entry spacing (max) | 60' | 100' |
| | Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | | |
| | Front yard height (max) | 6' | |
| | Side street yard height (max) | 6' | |

# 2.6.3. **IX-8** INDUSTRIAL FLEX 8

## A. LOT

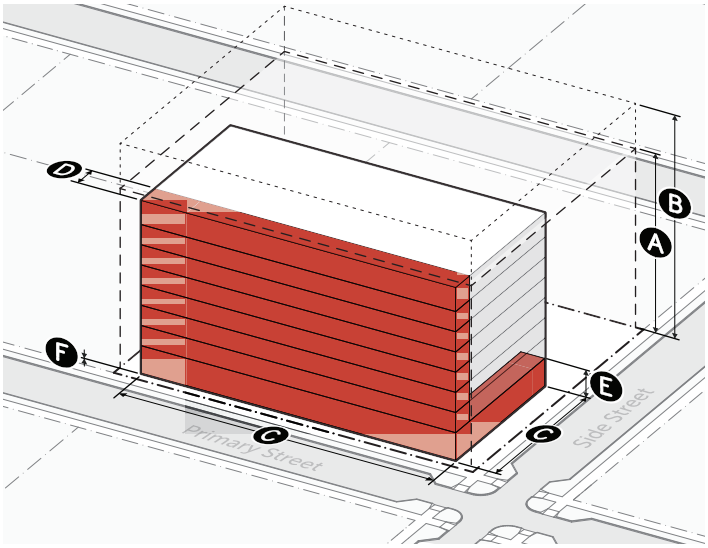


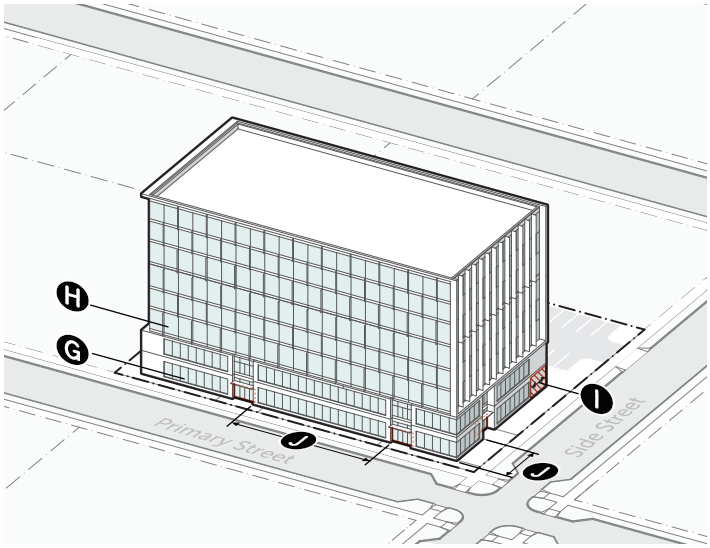




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | None |
| B Width (min) | |
| Front access | 40' |
| Side/rear access | 15' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | 80% |
| D Outdoor amenity space | 10% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| E Primary street lot line (min/max) | 5' / 20' |
| F Side street lot line (min/max) | 5' / 20' |
| G Side lot line (min) | 0' |
| H Rear lot line (min) | 0' |
| Alley lot line (min) | 5' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| I Primary street | 50% |
| J Side street | 40% |
| **6. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type B, D |
| **7. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

## B. BUILDING




| | | Primary St. | Side St. |
|---|---|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* | | |
| | Building height (max stories/feet) | | |
| A | Base | 8 / 114' | |
| B | Bonus | 11 / 156' | |
| **2. MASSING** | *Sec. 2.10.10.* | | |
| C | Building width (max) | 275' | |
| D | Active depth (min) | 15' | |
| **3. GROUND STORY** | *Sec. 2.10.11.* | | |
| E | Ground story height (min) | 14' | |
| F | Finished floor elevation (min/max) | -2' / 6' | |

| | | Primary St. | Side St. |
|---|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | | |
| G | Ground story (min) | 30% | 15% |
| H | Upper story (min) | 15% | 15% |
| I | Blank wall width (max) | 20' | 40' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | | |
| J | Street-facing entry spacing (max) | 60' | 100' |
| | Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | | |
| | Front yard height (max) | 6' | |
| | Side street yard height (max) | 6' | |

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# DIV. 2.7. **SPECIAL**

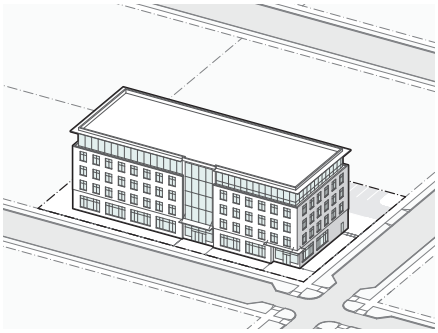
## 2.7.1. **Summary of Districts**

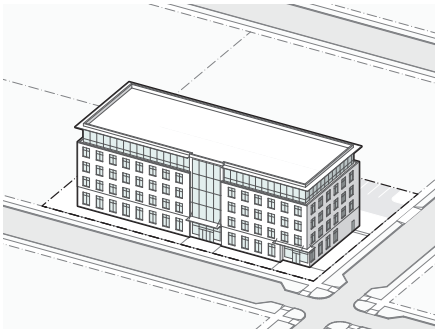
A mix of building types that serve surrounding neighborhoods and produce activities that do not readily assimilate into other zoning districts.

Campus (CM) is intended for campus-like settings with larger lots, more open space, and larger buildings in areas designated in the Comprehensive Plan as Education and UVA. This district may also include activities like mixed employment and technology hubs and hospitals.

Civic (CV) accommodates public, civic, and institutional uses in areas designated in the Comprehensive Plan such as Civic and Education. This district also includes park uses intended to create, preserve, and enhance parkland in areas designated in the Comprehensive Plan as Open Spaces and Parks, Cemeteries, and environmentally sensitive areas such as Stream Buffers.

The following table includes a summary of the base allowances for each district. Detailed requirements and potential bonus allowances are further described in this Division.

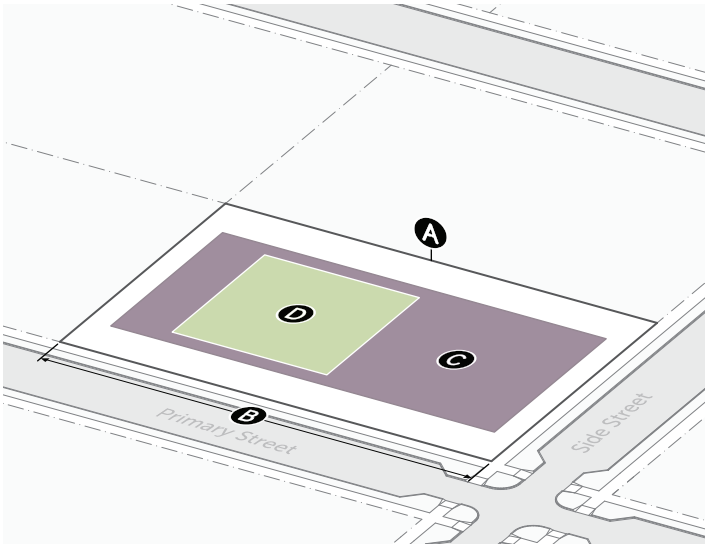


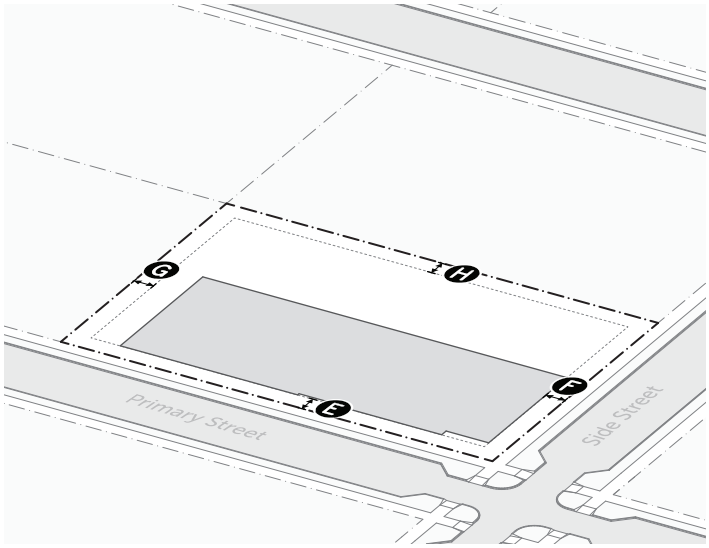


| CM | CV |
|---|---|
| 100’ lot width (min) | 50’ lot width (min) |
| No density restrictions | Residential not allowed |
| 5 stories / 72’ height (max) | 5 stories / 72’ height (max) |
| No building width restrictions | No building width restrictions |

# 2.7.2. **CM** CAMPUS

## A. LOT

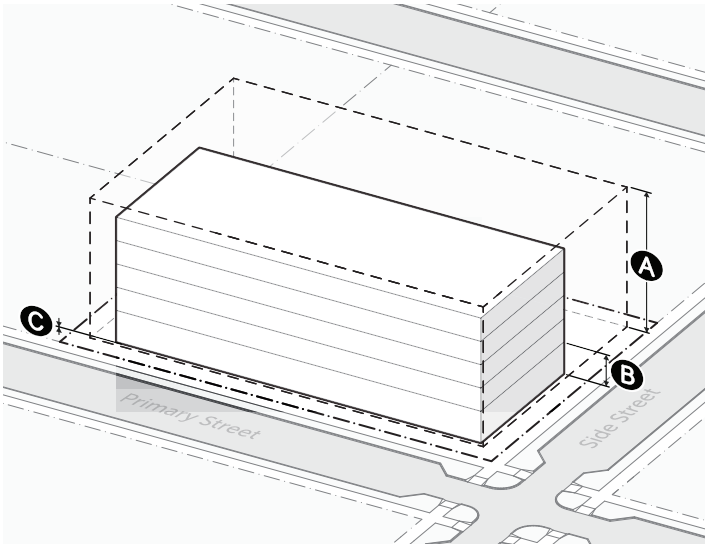


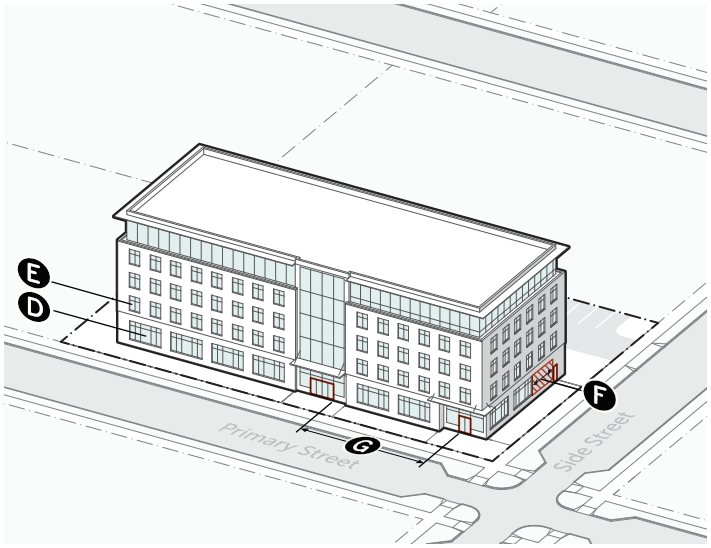




| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | 10,000 SF |
| B Width (min) | 100' |
| 2. **DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Unlimited |
| 3. **COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | 60% |
| D Outdoor amenity space | 20% |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| E Primary street lot line (min) | 10' |
| F Side street lot line (min) | 10' |
| G Side lot line (min) | 10' |
| H Rear lot line (min) | 10' |
| Alley lot line (min) | 5' |
| 5. **TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type C |
| 6. **PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

## B. BUILDING



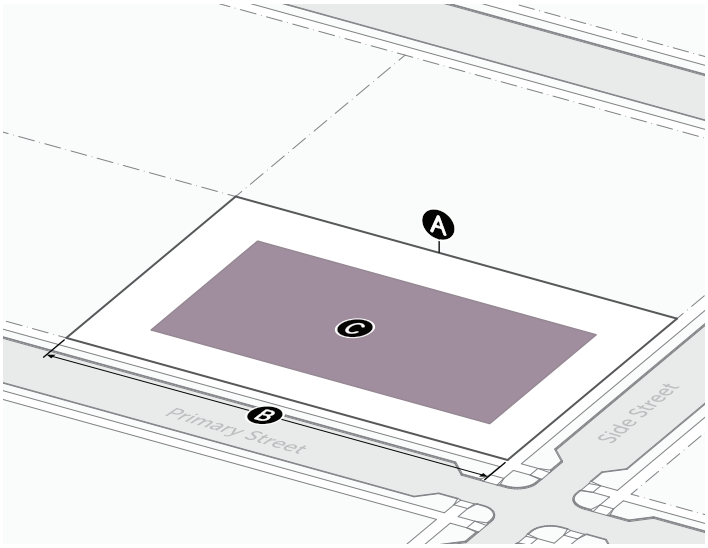



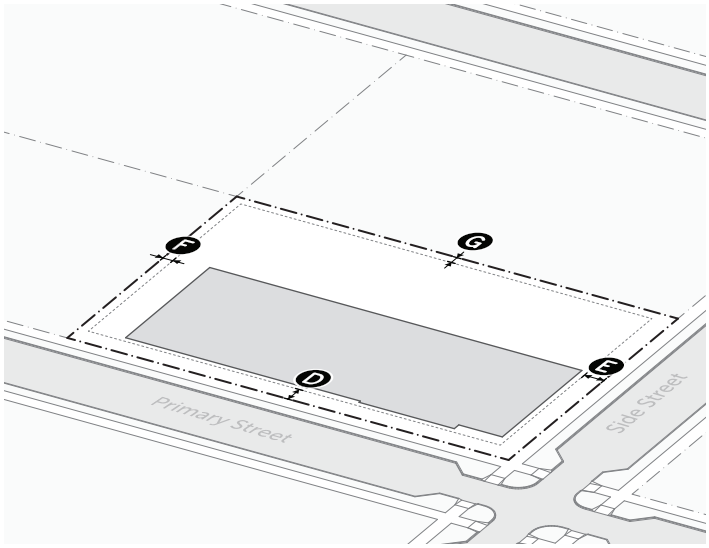

| | |
|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* |
| A Building height (max stories/feet) | 5 / 72' |
| **2. MASSING** | *Sec. 2.10.10.* |
| Building width (max) | None |
| Active depth (min) | None |
| **3. GROUND STORY** | *Sec. 2.10.11.* |
| B Ground story height (min) | 14' |
| C Finished floor elevation (min/max) | -2' / 6' |

| | Primary St. | Side St. |
|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | |
| D Ground story (min) | 30% | 30% |
| E Upper story (min) | 15% | 15% |
| F Blank wall width (max) | 25' | 50' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | |
| G Street-facing entry spacing (max) | 200' | 250' |
| Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 4' | |
| Side street yard height (max) | 6' | |

# 2.7.3. **CV** CIVIC

## A. LOT

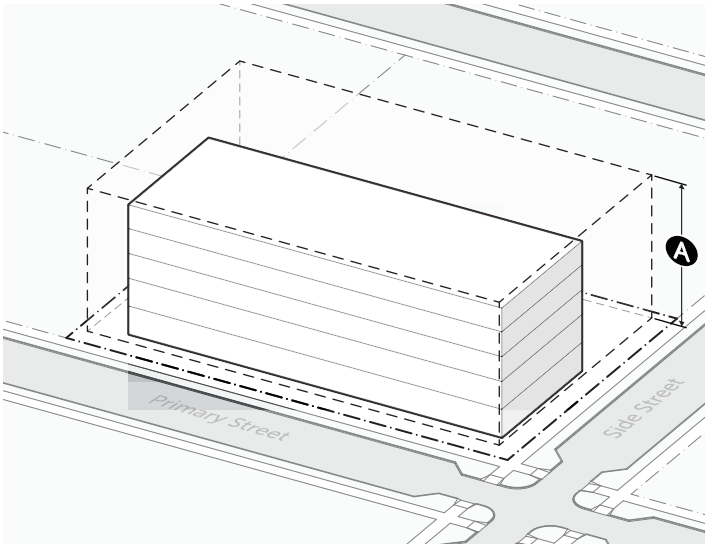



| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | 5,000 SF |
| B Width (min) | 50' |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Not allowed |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | 50% |
| Outdoor amenity space | None |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min) | 10' |
| E Side street lot line (min) | 10' |
| F Side lot line (min) | 5' |
| G Rear / alley lot line (min) | 5' |
| **5. TRANSITION** | *Sec. 2.10.7.* |
| Transition type | Type C |
| **6. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

## B. BUILDING



| | |
|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* |
| A Building height (max stories/feet) | 5 / 72' |
| **2. MASSING** | *Sec. 2.10.10.* |
| Building width (max) | None |
| Active depth (min) | None |
| **3. GROUND STORY** | *Sec. 2.10.11.* |
| Ground story height (min) | None |
| Finished floor elevation (min/max) | None |

| | Primary St. | Side St. |
|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | |
| B Ground story (min) | 20% | 20% |
| Upper story (min) | None | None |
| Blank wall width (max) | None | None |
| **5. ENTRANCES** | *Sec. 2.10.13.* | |
| C Street-facing entry spacing (max) | 200' | 250' |
| Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 4' | |
| Side street yard height (max) | 6' | |

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# DIV. 2.8. **ALTERNATE FORMS**

## 2.8.1. **Summary of Districts**

There are certain cases where the desired physical form for a specific type of allowed use is different from the predominant physical form allowed by the zoning district. Alternate Forms provide a set of standards and rules that allow for a physical form appropriate to those allowed uses.

## 2.8.2. **Relationship to Zoning Districts**

A. Where a standard is listed in an Alternate Form, the standard listed in this Division supersedes the standard listed for the underlying zoning district.

B. The underlying zoning district standard applies when an Alternate Form:

   1. Defers to the underlying zoning district (for example, "set by district");

   2. Provides no requirement for a standard listed by the underlying zoning district; or

   3. Does not list a standard that is listed by the underlying zoning district.

## 2.8.3. **Relationship to Use Standards**

Any use standard listed in *Div. 3.4. Use Standards* supersedes any conflicting standard listed for an Alternate Form.

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# 2.8.4. Shopfront House

## A. District Summary

The Shopfront House Alternate Form is intended to accommodate small-scale, neighborhood serving commercial uses at a scale appropriate for predominantly residential settings. This Alternate Form intends to improve the walkability of residential neighborhoods, provide surrounding residents with amenities within a convenient distance of their homes, and support community-oriented small businesses development.

The following table includes a summary of the allowances for the Shopfront House Form. Detailed requirements are further described in this Division.

| SHOPFRONT HOUSE |
|---|
| Lot width set by district |
| Density set by district |
| 2.5 stories / 35' height (max) |
| 40' building width (max) |

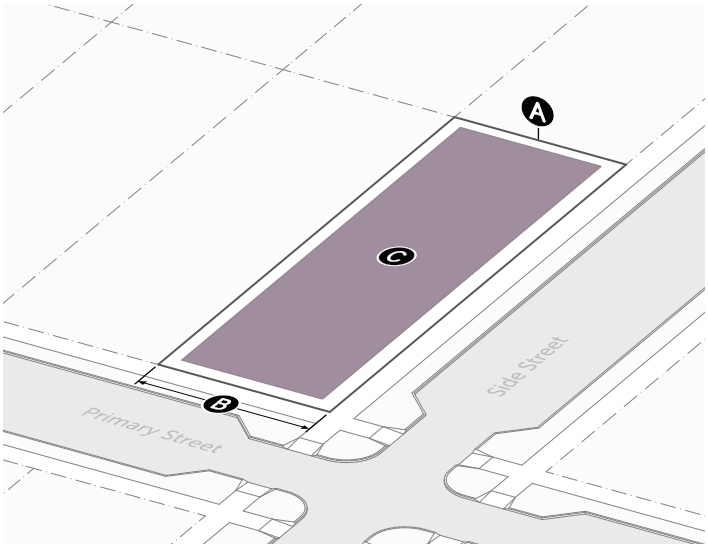
## B. Applicability

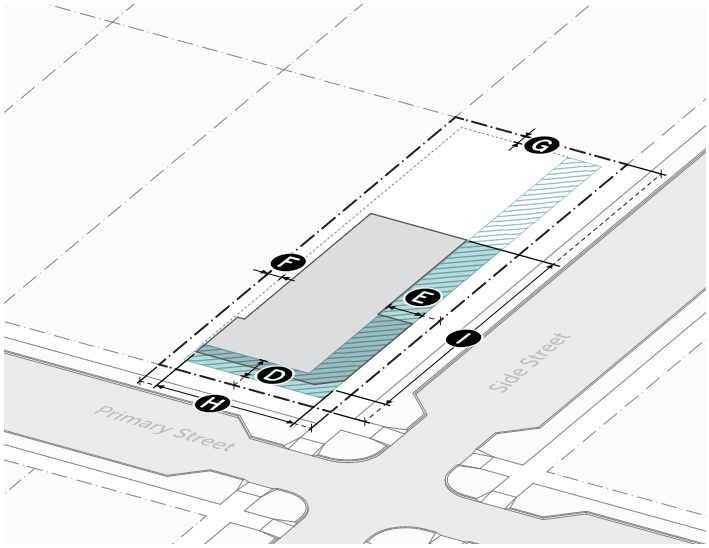
When allowed in Residential (R-) districts, the following principal uses may follow the Shopfront House Form standards:

1. General food and beverage;
2. General medical;
3. General office;
4. General personal services; and
5. General retail.

# 2.8.5. SHOPFRONT HOUSE

## A. LOT



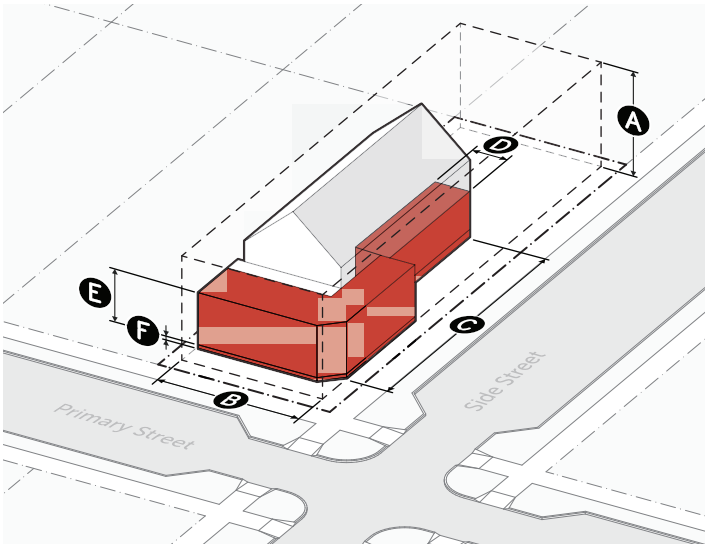



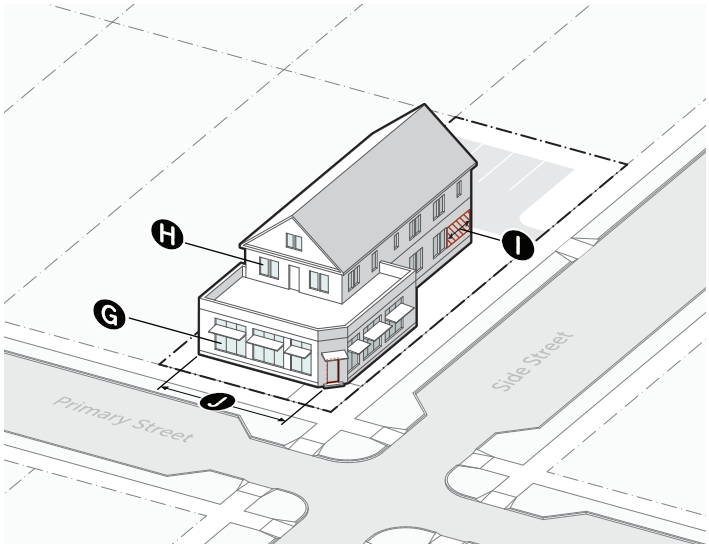

| 1. LOT SIZE | Sec. 2.10.2. |
|---|---|
| A Area (min) | Set by district |
| B Width (min) | Set by district |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Set by district |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | 80% |
| Outdoor amenity space | None |

| 4. BUILDING SETBACKS | Sec. 2.10.5. |
|---|---|
| D Primary street lot line (min/max) | 5' / 15' |
| E Side street lot line (min/max) | 5' / 15' |
| F Side lot line (min) | 4' |
| G Rear / alley lot line (min) | 4' |
| **5. BUILD-TO** | *Sec. 2.10.6.* |
| Build-to width (min) | |
| H Primary street (min) | 80% |
| I Side street (min) | 60% |
| **6. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# SHOPFRONT HOUSE

## B. BUILDING




| | |
|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* |
| A Building height (max stories/feet) | 2.5 / 35' |
| **2. MASSING** | *Sec. 2.10.10.* |
| Building width (max) | |
| B Primary street | 40' |
| C Side street | 70' |
| D Active depth (min) | 15' |
| **3. GROUND STORY** | *Sec. 2.10.11.* |
| E Ground story height (min) | 14' |
| F Finished floor elevation (min/max) | -2' / 6' |

| | Primary St. | Side St. |
|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | |
| G Ground story (min) | 50% | 30% |
| H Upper story (min) | 20% | 20% |
| I Blank wall width (max) | 10' | 20' |
| **5. ENTRANCES** | *Sec. 2.10.13.* | |
| J Street-facing entry spacing (max) | 30' | 50' |
| Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 4' | |
| Side street yard height (max) | 6' | |

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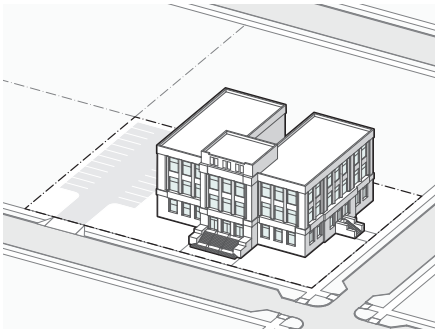
# 2.8.6. Civic Institution

## A. District Summary

The Civic Institution Alternate Form is intended to promote placemaking through architectural monuments and publicly accessible civic spaces. This Alternate Form allows greater design flexibility for civic institutions to differentiate civic assets from the surrounding built environment.

The following table includes a summary of the allowances for the Civic Institutional Form. Detailed requirements are further described in this Division.



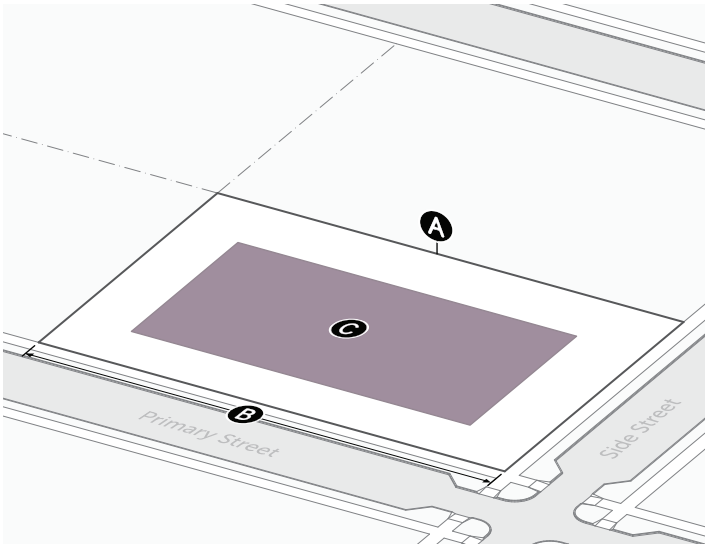
| CIVIC INSTITUTIONAL |
|---|
| Lot width set by district |
| Density set by district |
| Height set by district |
| No building width restrictions |

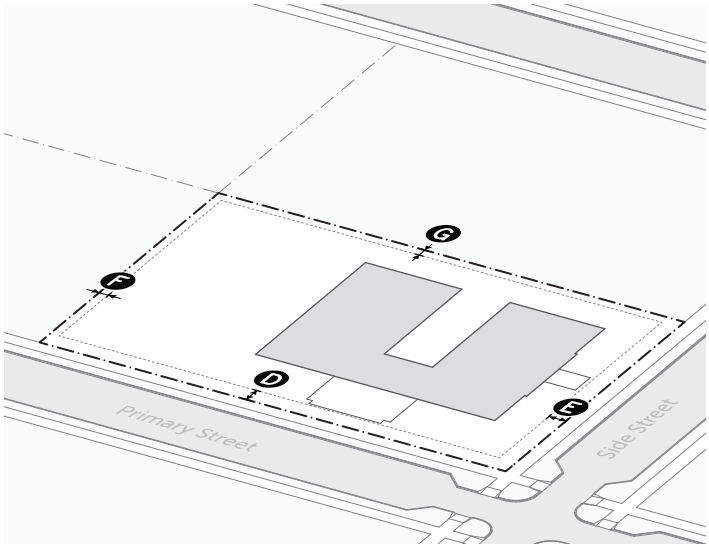
## B. Applicability

1. When allowed in a zoning district, the following principal uses may use the Civic Institution Alternate Form standards.
    a. Any allowed civic use;
    b. Any allowed education use; and
    c. Any allowed religious assembly use.
2. The Civic Institution Form is not allowed in a CM or CV district - the underlying district standards must be followed.

# 2.8.7. CIVIC INSTITUTION

## A. LOT



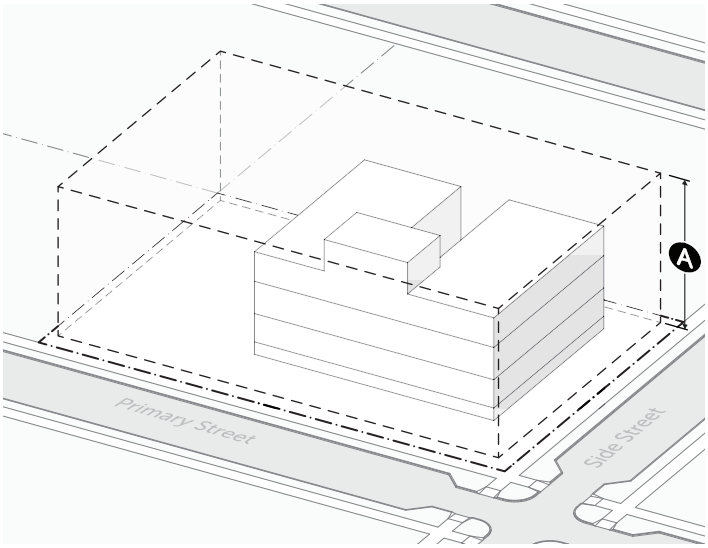



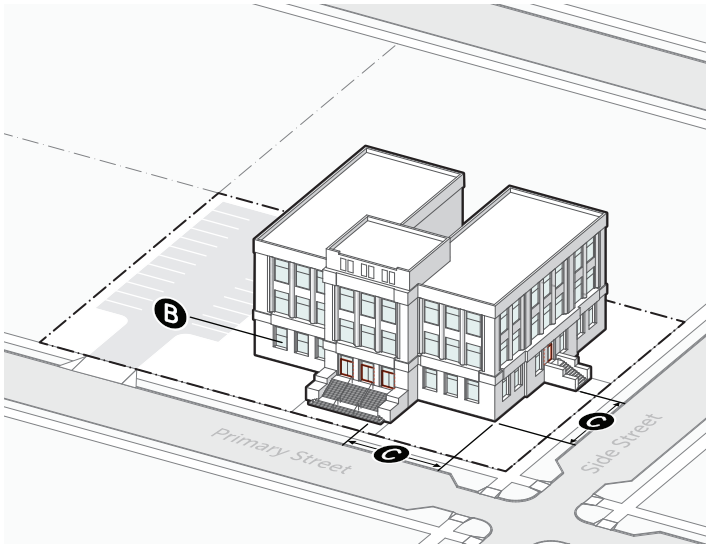

| 1. LOT SIZE | Sec. 2.10.2. |
|---|---|
| A Area (min) | Set by district |
| B Width (min) | Set by district |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | Set by district |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | Set by district |
| Outdoor amenity space | None |

| 4. BUILDING SETBACKS | Sec. 2.10.5. |
|---|---|
| D Primary street lot line (min) | 10' |
| E Side street lot line (min) | 10' |
| F Side lot line (min) | 5' |
| G Rear / alley lot line (min) | 5' |
| **5. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Not allowed |
| Side street yard | Not allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# CIVIC INSTITUTION

## B. BUILDING




| | |
|---|---|
| **1. HEIGHT** | *Sec. 2.10.9.* |
| A Building height (max stories/feet) | Set by district |
| **2. MASSING** | *Sec. 2.10.10.* |
| Building width (max) | None |
| Active depth (min) | None |
| **3. GROUND STORY** | *Sec. 2.10.11.* |
| Ground story height (min) | None |
| Finished floor elevation (min/max) | None |

| | Primary St. | Side St. |
|---|---|---|
| **4. TRANSPARENCY** | *Sec. 2.10.12.* | |
| B Ground story (min) | 20% | 20% |
| Upper story (min) | None | None |
| Blank wall width (max) | None | None |
| **5. ENTRANCES** | *Sec. 2.10.13.* | |
| C Street-facing entry spacing (max) | 200' | 250' |
| Entry feature | Yes | Yes |
| **6. FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 4' | |
| Side street yard height (max) | 6' | |

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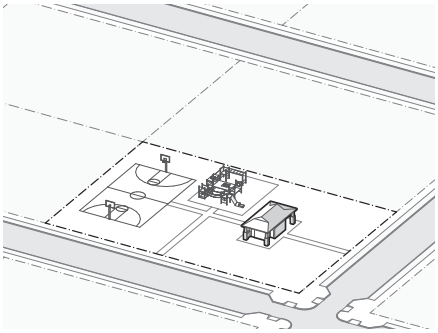
# 2.8.8. Park

## A. District Summary

The Park Alternate Form is intended for parks, open space and utility uses, as well as land-based uses such as urban agriculture, gardening, beautification, and other productive uses.

The following table includes a summary of the allowances for the Park Form. Detailed requirements are further described in this Division.



| PARK |
| --- |
| Lot width set by district |
| Residential not allowed |
| 35' height (max) |
| No building width restrictions |

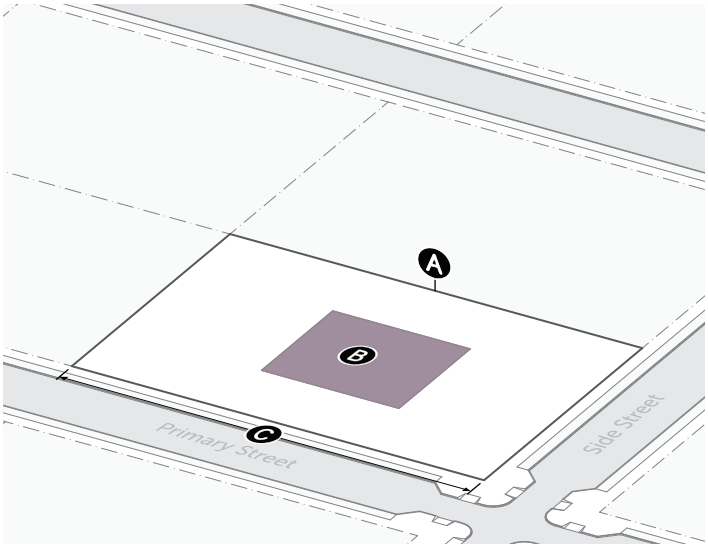
## B. Applicability

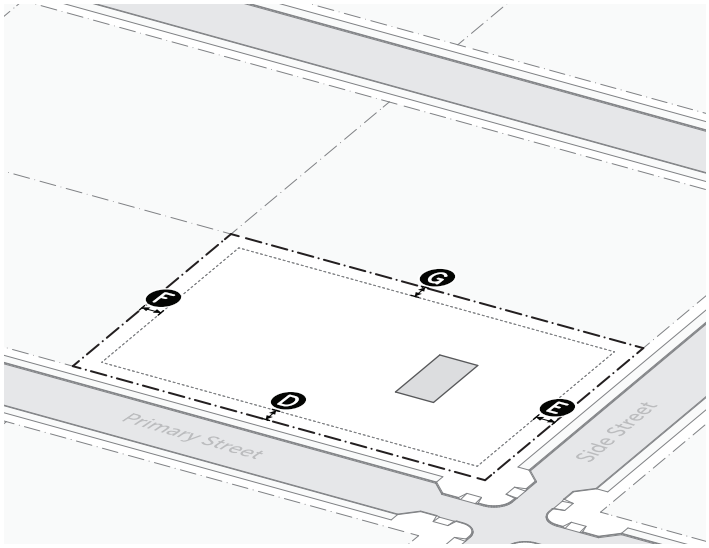
When allowed in a zoning district, the following principal uses may use the Park Alternate Form standards:

1. Any allowed parks and open space use;
2. Any allowed utility service use;
3. Urban gardens; and
4. Urban farms.

# 2.8.9. **PARK**

## A. **LOT**



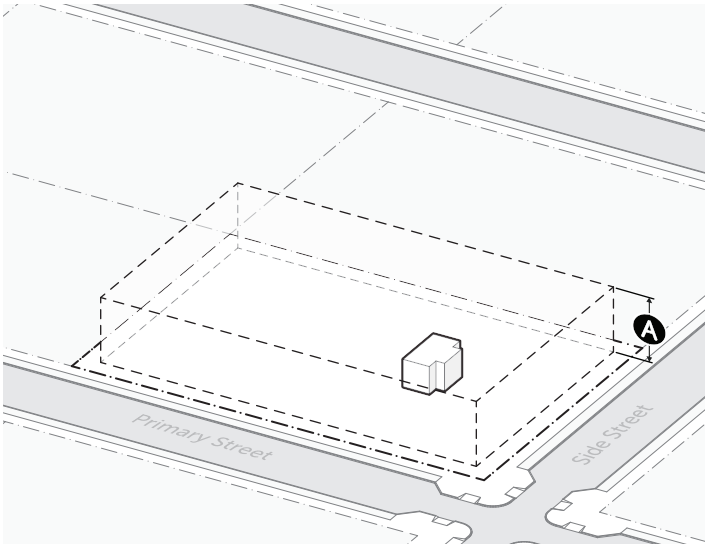



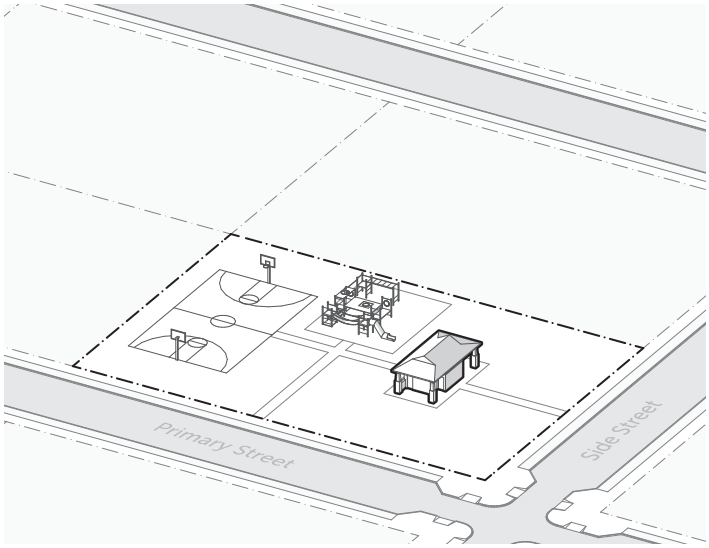

| 1. **LOT SIZE** | *Sec. 2.10.2.* |
|---|---|
| A Area (min) | Set by district |
| B Width (min) | Set by district |
| **2. DENSITY** | *Sec. 2.10.3.* |
| Dwellings per lot (max) | None |
| **3. COVERAGE** | *Sec. 2.10.4.* |
| C Building coverage (max) | 15% |
| Outdoor amenity space | None |

| 4. **BUILDING SETBACKS** | *Sec. 2.10.5.* |
|---|---|
| D Primary street lot line (min) | 10' |
| E Side street lot line (min) | 10' |
| F Side lot line (min) | 10' |
| G Rear lot line (min) | 10' |
| Alley lot line (min) | 5' |
| **5. PARKING LOCATION** | *Sec. 2.10.8.* |
| Front yard | Allowed |
| Side street yard | Allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

# PARK

## B. BUILDING




| | |
|---|---|
| 1. **HEIGHT** | *Sec. 2.10.9.* |
| A Building height (max feet) | 35' |
| 2. **MASSING** | *Sec. 2.10.10.* |
| Building width (max) | None |
| Active depth (min) | None |
| 3. **GROUND STORY** | *Sec. 2.10.11.* |
| Ground story height (min) | None |
| Finished floor elevation (min/max) | None |

| | Primary St. | Side St. |
|---|---|---|
| 4. **TRANSPARENCY** | *Sec. 2.10.12.* | |
| Ground story (min) | None | None |
| Upper story (min) | None | None |
| Blank wall width (max) | None | None |
| 5. **ENTRANCES** | *Sec. 2.10.13.* | |
| Street-facing entry spacing (max) | None | None |
| Entry feature | None | None |
| 6. **FENCES AND WALLS** | *Sec. 2.10.14.* | |
| Front yard height (max) | 10' | |
| Side street yard height (max) | 10' | |

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# DIV. 2.9. OVERLAY DISTRICTS

## 2.9.1. Flood Hazard Protection District (-FHP)

### A. Intent

1. This Section is adopted pursuant to the authority granted to localities by *Code of Virginia § 15.2-2283 and 15.2-984*. This Section may be referred to as the City's floodplain ordinance, or as the City's floodplain management regulations.
2. The purpose of the regulations set forth within this Section is to: prevent loss of life and property; deter the creation of health and safety hazards; prevent disruption of commerce and governmental services; avoid extraordinary and unnecessary expenditure of public funds for flood protection and relief; and prevent erosion of the City's tax base, by:
    a. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
    b. Restricting or prohibiting certain uses, activities, and development within areas subject to flooding;
    c. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and flood-proofed against flooding and flood damage;
    d. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards; and
    e. Meeting the requirements of the national flood insurance program, so that lands within the City may qualify for flood insurance availability.

### B. Applicability

1. The provisions set forth within this Section constitute the floodplain management regulations for the City, and they apply to the use and development of all privately and publicly owned lands within the jurisdictional boundaries of the City which have been identified as areas of special flood hazard (SFHA) in accordance with the data and information set forth within the flood insurance study (FIS) and the accompanying flood insurance rate map (FIRM) provided by the Federal Emergency Management Agency (FEMA) to the City.
2. Upon application to the Floodplain Administrator a permit may be issued for environmental restoration or flood control projects which are:
    a. Designed or directed by the City or by a public body authorized to carry out environmental restoration or flood control measures;
    b. Reviewed by the Floodplain Administrator, the City's VESCP and VSMP administrators, and Director of Public Works, for compliance with the requirements of Chapter 10 of the City Code (Water Protection), and;

c. Reviewed by the Floodplain Administrator for compliance with applicable provisions of this Section.

## C. Compliance and Liability

1. All uses, activities and development occurring within any SFHA, including placement of manufactured homes and other structures, must be undertaken only upon the issuance of a permit by the Floodplain Administrator. Such permitted uses, activities and development must be undertaken, conducted and established only in strict compliance with the provisions of this Section and with all other applicable codes and ordinances, such as the Virginia USBC, Chapter 10 of the City Code (Water Protection), and this Development Code.

2. The degree of flood protection sought by this Section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by human or natural causes, such as ice jams and bridge openings restricted by debris. The applicability of this Section to certain lands does not warrant or imply that areas outside the floodplain, or land uses permitted within the floodplain, will be free from flooding or flood damage.

3. The enactment of this Section cannot create liability on the part of the City, or any officer or employee thereof, for any flood damage that results from reliance on the regulations set forth herein or any administrative determination lawfully made hereunder.

4. The failure of a building, structure or project to be fully compliant with these floodplain management regulations will constitute a violation of this Section. Any building, structure or project without a permit, certification, elevation certificate or other evidence or documentation of compliance required by this Section is presumed in violation of this Section until such evidence or documentation is provided.

## D. Records

Records of actions associated with administering this Section will be maintained by the Floodplain Administrator in accordance with the applicable requirements of federal and state law and regulations.

## E. Abrogation and Greater Restrictions

The regulations set forth within this Section supersede any regulations currently in effect within any SFHAs. Notwithstanding the foregoing, the regulations of any ordinance remain in full force and effect, to the extent that such regulations are more restrictive.

## F. Penalty for Violations

1. Any person who fails to comply with any of the regulations set forth within this Section will be subject to the enforcement provisions set forth within *Div. 6.8. Enforcement*.

2. Any person who fails to comply with floodproofing or other requirements of the USBC, or with the requirements of the City's VESCP or VSMP programs, may be subject to the enforcement provisions set forth within the USBC, or Chapter 5 or 10 of the City Code, as applicable.

3. In addition to the above-referenced enforcement provisions, all other enforcement actions are hereby reserved to the City, including, without limitation, any action seeking declaratory or injunctive relief. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article cannot excuse the violation or noncompliance or permit it to continue, and any person upon whom such a fine or penalty has been imposed is required to correct, remedy or abate such violations.

4. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Article may be declared by the City to be a public nuisance and abated as such.

5. Flood insurance coverage may be withheld from buildings and structures constructed in violation of this Section.

## G. Designation of Floodplain Administrator

1. The Administrator is hereby designated by City Council as the City official responsible for administration of the regulations set forth within this Section, and the Administrator is referred to throughout this Section as the Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer the provisions of this Section, and in doing so the Floodplain Administrator may:

    a. Perform the duties and responsibilities set forth herein;

    b. Delegate duties and responsibilities set forth herein to qualified technical personnel, plan examiners, inspectors, and other City officials, employees, or agents;

    c. Enter into a written agreement or written contract with another locality or independent contractor, to engage such locality or contractor to serve as the City's agent for administration of the provisions of this Section, or specific provisions set forth herein; however, administration of any part of these regulations by an agent will not relieve the City of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program.

2. The Floodplain Administrator, and any person acting pursuant to Division, will have authority to render interpretations of the provisions of this Section and to establish policies and procedures in order to clarify the application of these provisions. Such interpretations, policies and procedures must be consistent with the intent and purpose of these regulations and the flood provisions of the USBC. Interpretations must be made by means of written determinations. The Administrator's determinations may be appealed to the City's Board of Zoning Appeals (BZA), in accordance with the procedures provided within *5.2.13. Floodplain Variance*. Any person who appeals an interpretation of the boundaries of the City's SFHA, as applied to specific land, may submit independent technical evidence to the BZA.

## H. Duties and Responsibilities of Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator include, but are not limited to:

1. Review applications for permits proposing the use or development of land, to determine whether proposed uses, activities, construction and development will be located in a SFHA;

2. Interpret floodplain boundaries, and provide BFE and flood hazard information available from the FIS/FIRM or other sources;

3. Coordinate with the City's building official, to administer and enforce the flood provisions of the USBC and to review applications to determine whether proposed activities will be reasonably safe from flooding;

4. Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which approval is required, including, without limitation: permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures); any alteration of a watercourse; any change of the course, current, or cross section of a stream or body of water, including any change to any BFE;

5. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies that may have authority over such alteration (e.g., the Virginia Department of Environmental Quality, United States Army Corps of Engineers) and have submitted copies of such notifications to FEMA;

6. Approve applications and issue permits authorizing development in a SFHA, if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met;

7. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations, or to determine if non-compliance has occurred or violations have been committed;

8. Review elevation certificates and require incomplete or deficient certificates to be corrected;

9. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analysis prepared by or for the City, within 6 months after such data and information becomes available, if the analyses indicate changes in BFEs;

10. Maintain and permanently keep records that are necessary for the administration of these regulations, including:

    a. The FIS/FIRM (including historic studies and maps and current effective studies and maps) and letters of map change; and

    b. Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

11. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action;

12. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and provide a recommendation;

13. Administer the requirements related to proposed work on existing buildings:

    a. Make determinations as to whether buildings and structures that are located in SFHAs and that are damaged by any cause have been substantially damaged; and

    b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage;

14. Undertake other actions, as determined appropriate by the Floodplain Administrator due to the circumstances, including, but not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with federal, state, and other local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and rendering determinations as to whether specific properties have been substantially or repetitively damaged by flooding.

15. Notify FEMA when the corporate boundaries of the City have been modified according to the requirements of this Section for jurisdictional boundary changes.

16. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHAs, number of permits issued for development in the SFHAs, and number of variances issued for development in the SFHAs;

17. Take into account actual flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land use, development and management throughout the entire jurisdictional area of the City, whether or not those hazards have been specifically delineated geographically via mapping, surveying, or otherwise.

## I. Use and Interpretation of FIS/FIRM

1. The Floodplain Administrator will make interpretations, where needed, as to the exact location of SFHAs on specific lot or parcel of land, using data and information from the FIS/FIRM, or other data and information permitted by federal law, federal regulations or these floodplain management regulations. Whenever reference is made within this Section to delineation of SFHAs, the reference to delineation must include, without limitation, interpretations of the Floodplain Administrator. The basis for delineation of SFHAs in relation to specific lot or parcel of land is as specified within this Section.

2. The following applies to the use and interpretation of the FIS/FIRM by the Floodplain Administrator:

    a. SFHA designations furnished within the FIS/FIRM govern the location of such SFHAs;

b. Where field surveyed topography indicates that adjacent ground elevations contiguous to the flood hazard boundary are below the BFE, even in areas not delineated as a SFHA within the FIS/FIRM, the area is considered as a SFHA and is subject to the requirements of these regulations;

c. Where field surveyed topography indicates that adjacent ground elevations are above the BFE, the area is regulated as a SFHA unless the applicant obtains a LOMR removing the area from the SFHA;

d. Within SFHAs designated within the FIS/FIRM, in which BFE and floodway data have not been provided, and in areas where no SFHAs have been designated: any other flood hazard data available from a federal, state, or other source must be reviewed and reasonably used by the Floodplain Administrator;

e. BFEs and designated floodways identified within the FIS/FIRM take precedence over BFEs and floodway boundaries determined using any other sources, if such other sources show reduced floodway widths or lower BFE;

f. Notwithstanding the foregoing: sources of data other than the FIS/FIRM must be reasonably used if such sources show increased BFEs or larger floodway areas than are identified within the FIS/FIRM;

g. If a preliminary FIS/FIRM has been provided by FEMA:

i. Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data be used and replace the flood hazard data previously provided by FEMA for the purposes of administering these regulations;

ii. Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data must be deemed the best available data and must be used where no BFEs or floodway areas are identified within the effective FIS/FIRM;

iii. Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary BFEs or floodway areas exceed the BFEs or designated floodway widths in the existing flood hazard data provided by FEMA. Such preliminary data may be subject to change or appeal to FEMA.

3. Any property owner aggrieved by a determination of the Floodplain Administrator rendered pursuant to this Section may appeal such determination to the City's Board of Zoning Appeals.

## J. Jurisdictional Boundary Changes

1. In the event that, following the adoption of this Section, the jurisdictional boundaries of the City are modified by annexation, then the Albemarle County floodplain ordinance in effect on the date of annexation will remain in effect within the annexed areas, and will be enforced by the City, until such time as the City adopts a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIS/FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the City will adopt amendments to these regulations to adopt the FIS/FIRM and appropriate requirements for such area, and such adoption must take place at the same time as, or prior to, the date of

annexation and a copy of the amended regulations must be provided to the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and to FEMA.

2. The City will notify the Federal Insurance Administration (FIA) and its Virginia State Coordinating Office in writing, whenever the boundaries of the City have been modified by annexation, or the City has otherwise either assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. A copy of a map of the City suitable for reproduction, clearly delineating the new corporate limits or new area for which the City has assumed or relinquished floodplain management regulatory authority must be included with the notification.

## K. SFHA Boundary Changes

The delineation of any SFHA relative to a specific lot or parcel of land may be revised by the Floodplain Administrator, when natural or man-made changes have occurred; when more detailed studies have been conducted or undertaken by the USACE or other qualified agency; or when a property owner documents the need for such revision. However, prior to any such revision, approval must be obtained from FEMA.

## L. Submitting Technical Data

A community's BFEs may increase or decrease as a result of physical land changes affecting flooding conditions. As soon as practicable, but not later than 6 months after the date such information becomes available, the City must notify FEMA of such changes by submitting technical or scientific data. Such a submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

## M. Letters of Map Revision

When development in the floodplain causes, or will cause, a change in any BFE, then the landowner, including any state or federal agency, must notify FEMA by applying for a CLOMR (conditional letter of map revision) and then subsequently, a LOMR (letter of map revision). Examples of circumstances requiring action in accordance with this Section include, but are not limited to, the following:

1. Any project that causes an increase in the BFEs within a floodway;
2. Any project occurring in Zones A and AE without a designated floodway, which will cause a rise of more than 1 foot in the BFE; and
3. Any alteration or relocation of a stream, including but not limited to installation of culverts, bridges and crossings.

## N. Basis for Delineation of SFHAs and Regulatory Requirements

### 1. General

a. The basis for the delineation of the City's SFHA by the Floodplain Administrator must be the FIS/FIRM as defined in *Div. 7.2. Definitions*, including any subsequent revisions or amendments thereto, and other data and information, in accordance with the provisions of this Section.

i. The City may identify and regulate LFHAs (local flood hazard or ponding areas) that are not identified within the FIS/FIRM. These LFHAs may be delineated on a LFHM (local flood hazard map) using best available topographic data and locally derived information, such as: flood of record, historic high water marks or approximate study methodologies.

ii. Upon approval of a LFHM by City Council in accordance with the procedures for amendment of the City's zoning district map, the LFHM will be considered SFHAs subject to the City's floodplain management regulations.

b. The City's SFHA consists of AE Zones and A Zones, as defined within *Div. 7.2. Definitions*.

### 2. AE Zone Requirements

The following provisions apply within AE zones:

a. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) must be permitted, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the BFE more than 1 foot at any point within the City.

b. Development activities which increase the BFE by more than 1 foot may be permitted, provided that the applicant first applies, with the endorsement of the Floodplain Administrator on a community acknowledgment form, for a CLOMR and receives the approval of FEMA.

c. All new construction and substantial improvements must comply with all applicable regulations set forth within this Section.

### 3. A Zone Requirements

The following provisions apply within A Zones:

a. The Floodplain Administrator will obtain, review and reasonably utilize any BFEs and floodway information from federal, state, and other acceptable sources, when available. Where the specific BFE cannot be determined within this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Floodprone Quadrangles, etc., then the applicant for a proposed use, activity or development must determine the BFE. The applicant must use federal, state and other sources of information acceptable to the Floodplain Administrator, and must use technical methods in accordance with this Section for any project that involves 5 acres or 50 lots, whichever is less. However the Floodplain Administrator may require the use of technical methods for other uses, activities or developments, as appropriate to achieve the purposes of this Section.

b. Technical methods must correctly reflect currently accepted non-detailed technical concepts, consistent with methods used in the FIS, such as flood hazard analyses, point on boundary, known high water marks from past floods, or detailed methodologies including hydrologic and hydraulic engineering analysis. Studies, analyses, computations, etc., must be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

c. The Floodplain Administrator has the authority to require hydrologic and hydraulic engineering analysis for any development and to determine the BFE. When such BFE data is utilized, the lowest floor must be elevated to or above a point that is 1 foot above the BFE. During the permitting process the Floodplain Administrator must obtain the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and, if the structure has been flood-proofed in accordance with the requirements of this Section, documentation of the elevation to which the structure has been flood-proofed.

d. Upon establishment of a BFE and floodway in accordance with this Section, development within an approximated floodplain is subject to the requirements of this Section.

### 4. Floodway Requirements

The following provisions apply within a floodway:

a. Within a floodway, no encroachments, including fill, new construction, substantial improvements, or other development is permitted unless it has been demonstrated through hydrologic and hydraulic engineering analysis that the proposed encroachment will not result in any increased flood levels within the community, affect normal flood flow, increase erosion within or adjoining to the floodway, cause the diversion of flood waters during the occurrence of the base flood discharge, increase peak flows or velocities in a manner likely to lead to added property damage or hazards to life, or increase the amounts of damaging materials that might be transported in floods during the occurrence of the base flood discharge. Hydrologic and hydraulic engineering analysis must include an engineer's certification that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., must be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

b. The placement of manufactured homes is prohibited, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the encroachment standards of this Section are met.

c. Development or uses which increase the BFE may be permitted, provided that the applicant first applies — with the endorsement of the Floodplain Administrator on a community acknowledgment form—for a CLOMR in accordance with this Section and receives the approval of FEMA.

d. All new construction and substantial improvements must comply with all applicable regulations within this Section.

e. The following uses may be permitted by the Floodplain Administrator within a floodway, if otherwise allowed within the underlying zoning district classification, so long as they do not require any new structures:

   i. Fill, dumping of materials or waste, storage of materials or equipment;

   ii. Agricultural uses and outdoor recreational uses;

   iii. Open uses, such private alleys and driveways, off-street parking, and loading areas related to uses outside the floodway; and

iv. Public facilities, including public streets and alleys, railroads, bridges, and facilities of public service corporations.

f. The following uses may be permitted within a floodway, following the approval of a special exception granted by the Board of Zoning Appeals (BZA), if such use is otherwise allowed within the underlying zoning district classification:

i. Accessory uses;

ii. Uses which may be authorized by a temporary use permit;

iii. Lots for the sale of new and used cars, trucks, farm equipment, campers, mobile homes; boats;

iv. Marinas, boat rentals, docks, piers, wharves; and

v. Storage yards for non-floatable and readily transportable equipment or machinery.

g. Prior to granting any such special exception, in addition to any other standards to be applied by the BZA, the BZA must find that the requirements of this Section are satisfied.

## O. Overlay Concept

1. The requirements of this Section govern the use and development of land within SFHAs, and these floodplain management regulations apply within SFHAs in addition to the regulations of any other districts enumerated in this Development Code.

2. If there is any conflict between the provisions of this Section and the requirements of any other ordinance, law, or regulation, the provisions of *1.2.1. Interpretation of District Boundaries* govern the interpretation of the conflicting provisions.

## P. Permit and Application Requirements

### 1. Permit Required

No use, activity or development may be established or conducted within any SFHA, except upon the approval of a permit by the Floodplain Administrator. Under no circumstances may a permit be issued to authorize any use, activity, or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. Every permit approved by the Floodplain Administrator is subject to the conditions set forth this Section.

## Q. General Permit Conditions

The following provisions each apply as a condition of the validity of every permit approved by the Floodplain Administrator:

1. New construction and substantial improvements must be performed in accordance with the requirements of this Section and the USBC, and must be anchored as necessary to prevent flotation, collapse or lateral movement of the structure;

2. Manufactured homes must be securely anchored to an adequately anchored foundation system, to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but

are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to and consistent with applicable state anchoring requirements for resisting wind forces;

3. New construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements must be constructed by methods and practices that minimize flood damage;

5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, must be designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

6. New and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems must be located and constructed to avoid impairment to them or contamination from them during flooding and approved by the local health department;

9. In all SFHAs, the following requirements apply:

    a. Prior to any proposed alteration or relocation of any wet channels or of any watercourse, stream, etc., within this jurisdiction a permit must be obtained from the USACE, VADEQ, and the VAMRC (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal must be given by the applicant to all affected adjacent jurisdictions, the VADCR (Division of Dam Safety and Floodplain Management), other required agencies, and FEMA.

    b. The flood carrying capacity within an altered or relocated portion of any watercourse must be maintained.

## R. Elevation and Construction Standards

In all SFHAs where BFEs have been provided in the FIS/FIRM or established in accordance with this Section the following provisions apply:

### 1. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE and A with detailed base flood elevations must have the lowest floor, including basement, elevated to or above a point that is 1 foot above the BFE.

### 2. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or other non-residential building (including manufactured homes) must have the lowest floor, including basement, elevated to or above a point that is 1 foot above the BFE. Non-residential buildings may be flood-proofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE, plus 1 foot, are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability

of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A professional engineer or architect licensed by the Commonwealth of Virginia must certify that the standards of this subsection are satisfied. Such certification, including the specific elevation to which such structures are floodproofed, must be provided at the time the finished floor is completed. An elevation certificate must be provided and maintained by the Floodplain Administrator within the records required by this Section.

### 3. Space Below the Lowest Floor

In the SFHAs, any fully enclosed areas of new construction or of substantially improved structures, which are below the lowest floor:

a. Cannot be designed or used for human habitation, but must only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area must be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator); and

b. Must be constructed entirely of flood resistant materials below the lowest floor, and must include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect licensed by the Commonwealth of Virginia, or must meet or exceed the following minimum design and installation criteria:

   i. A minimum of 2 openings must be provided on different sides of each enclosed area subject to flooding.

   ii. The total net area of all openings must be at least 1 square inch for each square foot of enclosed floor area subject to flooding.

   iii. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

   iv. The bottom of all required openings cannot be higher than 1 foot above the adjacent grade.

   v. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

   vi. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

### 4. Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including, without limitation, applicable elevation and anchoring requirements referenced in this Section.

b. All recreational vehicles placed on a site within an SFHA must:

   i. Be on the site for fewer than 180 consecutive days and;

ii. Must either be fully licensed and ready for highway use, or meet all the elevation and anchoring requirements set forth within this Section for manufactured homes.

### 5. New Above-Ground Storage Tanks

All above-ground propane storage tanks, including new tanks installed to replace an existing tank, must meet the following requirements:

a. Tanks that are associated with new or existing utility service or that are attached to or located under a building, tank inlets, fill openings, outlets, and vents, must be elevated above the elevation specified in ASCE/SEI 24.05 or most current standard.

b. Tanks must be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

### 6. Placement of Fill Materials

In addition to other applicable requirements set forth within this Section, proposed development that involves or includes the use of fill must meet the following requirements:

a. Fill must be of a material that does not pollute surface water or groundwater;

b. Fill must be the minimum amount necessary to achieve the intended purpose. The application for a permit must include a statement of the intended purpose of the proposed fill; provided, however, that if the purpose of the fill is to achieve elevation requirements of this Section, the permit application must include a geotechnical engineer's certified analysis of alternative elevation methods;

c. The application for a permit must include the compaction specifications to be utilized in the placement of the fill, along with the location and dimensions of the proposed fill area; the amount, type and source of fill material; and the certification of a geotechnical or structural engineer that the quantity of proposed fill is the minimum necessary to achieve the intended purpose of the fill; and

d. The area proposed for fill must be effectively protected against erosion, by measures described within an erosion and sediment control plan approved pursuant to Chapter 10 of the City Code. For a project that is not subject to the requirement for an erosion and sediment control plan, the fill area must be protected by vegetative cover, riprap, gabions, bulkhead or other methods deemed necessary by the Floodplain Administrator that the proposed development will be reasonably safe from flooding and does not create any health or safety hazards.

## S. Standards for Subdivisions and Other Developments

1. All proposed subdivisions and other developments must be designed in a manner consistent with the need to minimize flood damage;

2. All proposed subdivisions and other developments must have public utilities and facilities such as sewer, gas, electrical and water systems located and designed for construction in a manner that will minimize flood damage;

3. All proposed subdivisions and other developments must provide drainage adequate to reduce exposure to flood hazards, and

4. All Final Site Plans for commercial, industrial, or residential developments must include BFE data obtained from the FIS/FIRM or established using detailed technical methods referenced within this Section

## T. Existing Structures

1. A structure, or use of a structure or premises, located within an SFHA and which lawfully existed before the enactment of this Section, but which is not in conformity with the regulations of this Section, may be continued subject to the following conditions:

    a. Existing structures and uses in the floodway area cannot be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic engineering analysis performed in accordance with standard engineering practices that the proposed expansion or enlargement would not increase the BFE.

    b. Substantial improvements to an existing structure, or use of an existing structure, are allowed only if the entire structure, inclusive of such improvements, will conform to the USBC and applicable provisions of this Section.

    c. Except as provided in this Section any other modification, alteration, repair, reconstruction, or improvement to an existing structure, or use of an existing structure, of any kind, must conform to the USBC and applicable provisions of this Section.

2. For any application seeking a permit for work on an existing structure referenced within this Section, the Floodplain Administrator, in coordination with the building official, will:

    a. Estimate market value, or require the applicant to obtain a professional appraisal, prepared by a qualified independent appraiser, of the fair market value of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure is the market value before the damage occurred and before any repairs are made;

    b. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

    c. Determine and document whether the proposed work constitutes substantial improvement, or repair of substantial damage; and

    d. If the Floodplain Administrator determines that the work constitutes substantial improvement, or repair of substantial damage, they will notify the applicant that compliance with the flood resistant construction requirements of this Section and of the USBC is required.

# 2.9.2. Architectural Design Control District (-ADC)

## A. Intent

The City of Charlottesville seeks, through the establishment of historic districts and through the designation of individually significant properties, to protect community health and safety, to promote the education, prosperity and general welfare of the public through the identification, preservation and enhancement of buildings, structures, landscapes, settings, neighborhoods, places and features with special historical, cultural and architectural significance. To achieve these general purposes, the City seeks to pursue the following specific purposes:

1. To preserve and protect buildings, structures and properties which serve as important visible reminders of the historic, cultural, and architectural or archaeological heritage of the City, the Commonwealth of Virginia, or this nation;
2. To ensure that, within the City's historic districts, new structures, additions, landscaping and related elements will be in harmony with their setting and environs;
3. To promote local historic preservation efforts through the identification and protection of historic resources throughout the City;
4. To document and promote an understanding of the social history of City neighborhoods, and to protect their cultural institutions;
5. To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of older structures in a safe and healthful manner, and by encouraging desirable uses and forms of development that will lead to the continuance, conservation and improvement of the City's historic, cultural and architectural resources and institutions within their settings; and
6. To promote tourism and enhance business and industry, and to promote an enhanced quality of life within the City, through protection of historic, cultural and archaeological resources.

## B. Established Architectural Design Control Districts

The following areas have been determined by City Council to be of unique architectural or historic value, and are hereby designated as Architectural Design Control (ADC) Districts, the limits of which are shown on the City's zoning map. City Council has designated only certain buildings within these districts as "contributing structures." Those contributing structures are identified on a map included within the design guidelines for each district.

### 1. Downtown Architectural Design Control District ~~(DADC)~~

~~All buildings within this overlay district are deemed by City Council to be "contributing structures," except that, with respect to certain properties added to this district on or after January 17, 2006, City Council has designated only certain buildings as "contributing structures," as specifically identified on a map included within the design guidelines for this district.~~

### 2. North Downtown Architectural Design Control District

~~All buildings within this overlay district are deemed by City Council to be "contributing structures," except that, with respect to certain properties added to this district on or after January 17, 2006,~~

~~City Council has designated only certain buildings as "contributing structures," as specifically identified on a map included within the design guidelines for this district.~~

3. **Ridge Street Architectural Design Control District**

   ~~All buildings within this overlay district are deemed by City Council to be "contributing structures."~~

4. **West Main Street Architectural Design Control District**

   ~~City Council has designated only certain buildings within this overlay district as "contributing structures." Those contributing structures are identified on a map included within the design guidelines.~~

5. **Wertland Street Architectural Design Control District**

   ~~All buildings within this overlay district are deemed to be "contributing structures."~~

6. **Corner Architectural Design Control District**

   ~~City Council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines.~~

7. **Oakhurst-Gildersleeve Neighborhood Architectural Design Control District**

   ~~City Council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines.~~

8. **Rugby Road, University Circle, Venable Neighborhood Architectural Design Control District**

   ~~City Council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines.~~

## C. Additions to and Deletions from Architectural Design Control Districts

1. City Council may, by ordinance, from time to time, designate additional properties and areas for inclusion within an ADC District~~;~~ or remove properties from a ADC District. Any such action will be undertaken following the rules and procedures applicable to the adoption of amendments to the City's Development Code and official zoning map.

2. Prior to the adoption of any such ordinance, the City Council will consider the recommendations of the Planning Commission and the Board of Architectural Review (BAR) as to the proposed addition, removal or designation. The Planning Commission and BAR will address the following criteria in making their recommendations:

   a. The historic, architectural or cultural significance, if any, of a building, structure or site and whether it has been listed on the National Register of Historic Places or the Virginia Landmarks Register, or are eligible to be listed on such registers;

b. The association of the building, structure or site with an historic person or event or with a renowned architect or master craftsman;

c. The overall aesthetic quality of the building, structure or site and whether it is or would be an integral part of an existing ADC district;

d. The age and condition of a building or structure;

e. Whether a building or structure is of old or distinctive design, texture and material;

f. The degree to which the distinguishing character, qualities or materials of a building, structure or site have been retained;

g. Whether a building or structure, or any of its features, represents an infrequent or the first or last remaining example of a particular detail or type of architecture in the City;

h. Whether a building or structure is part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exist a number of buildings or structures separated geographically but linked by association or history.

3. Before an area is designated as an ADC District, each structure will be determined to be either "contributing" or "non-contributing." This determination will be reconfirmed at least once every 15 years.

## D. Certificate of Appropriateness

A Certificate of Appropriateness is required for certain projects in ADC Districts in accordance with *5.2.6. Minor Historic Review* and *5.2.7. Major Historic Review*.

# 2.9.3. Individually Protected Properties (-IPP)

## A. Intent

The City of Charlottesville seeks, through the creation of a protected property list, to protect community health and safety and to promote the education, prosperity and general welfare of the public, through identification, preservation, protection and enhancement of certain buildings, structures, and landmarks, together with their landscapes and settings, which are of special historic, cultural, or architectural significance, and which are located outside the City's ADC Districts. To achieve these general purposes, the City seeks to pursue the following goals and objectives:

1. To enrich the quality of life for City residents, by protecting familiar landmarks and other treasured elements of the City;
2. To protect historic and cultural resources, and thereby to promote tourism and to enhance business and industry;
3. To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of historically and culturally significant structures;
4. To promote local historic preservation efforts through identification and protection of historic resources throughout the City;
5. To encourage nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register; and
6. To ensure that additions, alterations, restorations, landscaping and related elements be in harmony with a building or structure and its setting.

## B. Established Individually Protected Properties

Following is a list of landmarks, buildings and structures outside the City's ADC Districts, which are deemed by City Council to be of special historic, cultural, or architectural value.

| Street Number | Street Name | Tax Map Number | Parcel Number |
|---|---|---|---|
| 759 | Belmont Avenue | Tax Map 58 | Parcel 172 |
| 123 | Bollingwood Road | Tax Map 7 | Parcel 22 |
| 1102 | Carlton Avenue | Tax Map 56 | Parcel 86, Lots 1, 2, 3 |
| 133—155 | Carlton Road | Tax Map 57 | Parcel 157 (portion) |
| 907 | Cottage Lane | Tax Map 2 | Parcel 54.3 |
| 908 | Cottage Lane | Tax Map 2 | Parcel 25 |
| 909 | Cottage Lane | Tax Map 2 | Parcel 54.4 |
| 513 | Dice Street | Tax Map 29 | Parcel 63.1 |
| 402 | Dice Street | Tax Map 29 | Parcel 124 |
| 406 | Dice Street | Tax Map 29 | Parcel 122 |
| 410 | Dice Street | Tax Map 29 | Parcel 119 |
| 412 | Dice Street | Tax Map 29 | Parcel 118 |
| 210 | Eighth Street, NE | Tax Map 53 | Parcel 173.23 |

| Street Number | Street Name | Tax Map Number | Parcel Number |
|---|---|---|---|
| 901 | Emmet Street | Tax Map 1 | Parcel 1 (portion) |
| 200 | Fifteenth Street, N.W. | Tax Map 9 | Parcel 71 |
| 205 | Fifth Street, S.W. | Tax Map 29 | Parcel 69 |
| 217 | Fifth Street, S.W. | Tax Map 29 | Parcel 66 |
| 301 | Fifth Street, S.W. | Tax Map 29 | Parcel 104 |
| 418 | Fifth Street, S.W. | Tax Map 29 | Parcel 161 |
| 201 | Fourteenth Street, N.W. | Tax Map 9 | Parcel 73 |
| 233 | Fourth Street, N.W. | Tax Map 32 | Parcel 89 |
| 223 | Fourth Street, SW | Tax Map 29 | Parcel 42 |
| 1602 | Gordon Avenue | Tax Map 9 | Parcel 13 |
| 946 | Grady Avenue | Tax Map 31 | Parcel 60 (portion) |
| 1022 | Grove Street (formerly 1212) | Tax Map 23 | Parcel 38 |
| 700 | Harris Street | Tax Map 35 | Parcel 132 |
| 204 | Hartman's Mill Road | Tax Map 26 | Parcel 38 |
| 208 | Hartman's Mill Road | Tax Map 36 | Parcel 36 |
| 801 | High Street, East | Tax Map 53 | Parcel 194 |
| 1404 | Jefferson Park Avenue | Tax Map 11 | Parcel 112 |
| 2115 | Jefferson Park Avenue | Tax Map 17 | Parcel 88 |
| 1201 | Jefferson Street, East | Tax Map 54 | Parcel 212 |
| 800 | Jefferson Street, East | Tax Map 53 | Parcel 173.22 |
| 901 | Jefferson Street, East | Tax Map 53 | Parcel 261 |
| 1615 | Keith Valley Road | Tax Map 41A | Parcel 46 |
| 114 | Lankford Avenue | Tax Map 26 | Parcel 10 |
| 214 | Lankford Avenue | Tax Map 26 | Parcel 1 |
| 459 | Locust Avenue | Tax Map 53 | Parcel 234 (portion) |
| 810 | Locust Avenue | Tax Map 51 | Parcel 74 |
| 700 | Lyons Avenue | Tax Map 52 | Parcel 26 |
| 610 | Lyons Court | Tax Map 52 | Parcel 78 |
| 706 | Lyons Court Lane | Tax Map 52 | Parcel 77 |
| 1118 | Market Street, East | Tax Map 54 | Parcel 150 |
| 1512 | Market Street, East | Tax Map 56 | Parcel 40.4 |
| 1819 | Market Street East | Tax Map 55A | Parcel 146 |
| 1901 | Market Street, East | Tax Map 55A | Parcel 149 |
| 224 | Ninth Street, SW | Tax Map 30 | Parcel 65 |
| 501 | Ninth Street, SW | Tax Map 30 | Parcel 169 |
| 1105 | Park Street | Tax Map 47 | Parcel 7 |
| 1108 | Park Street | Tax Map 47 | Parcel 49 |
| 1112 | Park Street | Tax Map 47 | Parcel 50 |
| 608 | Preston Avenue | Tax Map 32 | Parcel 14 |
| 722 | Preston Avenue | Tax Map 31 | Parcel 38 (portion) |

| Street Number | Street Name | Tax Map Number | Parcel Number |
|---|---|---|---|
| 1010 | Preston Avenue | Tax Map 4 | Parcel 41 |
| 605 | Preston Place | Tax Map 5 | Parcel 111 |
| 611 | Preston Place | Tax Map 5 | Parcel 112 |
| 620 | Prospect Avenue (formerly 620 7½ Street) | Tax Map 25 | Parcel 2 |
| 752 | Ridge Street | Tax Map 25 | Parcel 79 |
| 212 | Rosser Avenue | Tax Map 3 | Parcel 107 |
| 818 | Ridge Street | Tax Map 25 | Parcel 102 |
| 1328 | Riverdale Drive | Tax Map 50 | Parcel 5 |
| 202 | Riverside Avenue | Tax Map 55A | Parcel 148 |
| 1204 | Rugby Road | Tax Map 38 | Parcel 134 |
| 1314 | Rugby Road | Tax Map 38 | Parcel 92 |
| 204 | Seventh Street, SW | Tax Map 29 | Parcel 73 |
| 208 | Seventh Street, SW | Tax Map 29 | Parcel 74 |
| 201 | Sixth Street, NW | Tax Map 32 | Parcel 124 |
| 327 | Sixth Street, SW | Tax Map 29 | Parcel 188 |
| 209—211 | Sprigg Lane | Tax Map 8 | Parcel 28 |
| 104 | Stadium Road | Tax Map 16 | Parcel 2 |
| 214 | Stribling Avenue | Tax Map 18A | Parcel 33 |
| 134 | Tenth Street, N.W. | Tax Map 31 | Parcel 56 |
| 414 and 415-B | Tenth Street, N.W. | Tax Map 4 | Parcel 46 |
| 309 | Twelfth Street, NE | Tax Map 54 | Parcel 211 |
| 1 | University Court | Tax Map 9 | Parcel 44 |
| 603 | Watson Avenue | Tax Map 47 | Parcel 43 |
| 212 | Wine Street | Tax Map 33 | Parcel 32 |

## C. Amendments to Individually Protected Property List

1. City Council may, by ordinance, from time to time, designate individual buildings, structures or landmarks as Individually Protected Properties; or remove individual buildings, structure or landmarks from the City's list of Individually Protected Properties. Any such action will be undertaken following the rules and procedures applicable to the adoption of amendments to the City's Development Code and official zoning map.

2. Prior to the adoption of any such ordinance, the City Council will consider the recommendations of the Planning Commission and the Board of Architectural Review (BAR) as to the proposed addition, removal or designation. The Planning Commission and BAR will address the following criteria in making their recommendations:

    a. The historic, architectural or cultural significance, if any, of a building, structure or site and whether it has been listed on the National Register of Historic Places or the Virginia Landmarks Register, or are eligible to be listed on such registers;

    b. The association of the building, structure or site with an historic person or event or with a renowned architect or master craftsman;

c. The overall aesthetic quality of the building, structure or site and whether it is or would be an integral part of an existing ADC district;

d. The age and condition of a building or structure;

e. Whether a building or structure is of old or distinctive design, texture and material;

f. The degree to which the distinguishing character, qualities or materials of a building, structure or site have been retained;

g. Whether a building or structure, or any of its features, represents an infrequent or the first or last remaining example of a particular detail or type of architecture in the City;

h. Whether a building or structure is part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exist a number of buildings or structures separated geographically but linked by association or history.

## D. Certificate of Appropriateness

A Certificate of Appropriateness is required for certain projects on Individually Protected Properties in accordance with *5.2.6. Minor Historic Review* and *5.2.7. Major Historic Review*.

# 2.9.4. Historic Conservation District (-HC)

## A. Intent

The City of Charlottesville seeks, through establishment of its Historic Conservation (HC) Districts, to protect community health and safety, and to promote the education, prosperity and general welfare of the public through the identification and conservation of buildings, structures, and areas with special historical, cultural, architectural and archaeological significance. To achieve these general purposes, the City of Charlottesville seeks to pursue the following specific purposes:

1. To identify and preserve buildings, structures and areas with special historical, cultural, architectural and archaeological significance, or with a collective character and quality, which serve as important visible reminders of the heritage of this City, the Commonwealth of Virginia, or this nation;
2. To assure that new structures, additions, and related elements will be in harmony with the scale and character of the existing buildings, structures and areas;
3. To document and promote an understanding of the social history of City neighborhoods, and to protect their cultural institutions.

## B. Establishment, Additions, or Deletions

1. City Council may, by ordinance, from time to time, designate properties and areas for inclusion or removal within a HC District. Any such action will be undertaken following the rules and procedures applicable to the adoption of amendments to the City's Development Code and official zoning map.
2. Prior to the adoption of any such ordinance, the Board of Architectural Review (BAR) will define, taking into consideration information that may be provided by neighborhood residents, the architectural character-defining features of the proposed HC District. Those features would be referenced and reinforced when applying the Conservation District design guidelines.
3. Prior to the adoption of any such ordinance, the City Council will consider the recommendations of the Planning Commission and the BAR as to the proposed addition, removal or designation. The Planning Commission and BAR must address the following criteria in making their recommendations:
    a. The age of buildings and structures;
    b. Whether the buildings, structures and areas are listed on the Virginia Landmarks Register or the National Register of Historic places, or are eligible to be listed on such registers;
    c. Whether the buildings, structures or areas are of locally important historic, cultural, architectural or archaeological interest;
    d. Whether the buildings, structures or areas are associated with an historic person or event or with a significant architect or master craftsman, or have special public value because of notable features relating to locally important historic, cultural, architectural, or archaeological interest;

e. Whether the buildings, structures or areas are part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exists a number of buildings or structures separated geographically but linked by association or history; and

f. Whether the buildings, structures or areas, when viewed together, possess a distinctive character and quality or historic significance.

## C. Established Conservation Districts

1. The following areas have been determined by City Council to meet the criteria for designation as a conservation district, the limits of which are shown on the City's zoning map:

   a. The Martha Jefferson Historic Conservation District;

   b. The Rugby Road Historic Conservation District; and

   c. The Woolen Mills Village Historic Conservation District.

2. Within each district designated above, City Council has determined that only certain buildings are considered "contributing structures." Those contributing structures are identified on a map of each district included within the City's Conservation District design guidelines.

## D. Relationship to Individually Protected Properties

1. Within a HC District, all Individually Protected Properties listed in *2.9.3. Individually Protected Properties (-IPP)* retain that designation, and will be reviewed under this Development Code provisions applicable to those properties.

2. Before an area is designated as a HC District, each of the structures that may qualify for designation as an Individually Protected Property under *2.9.3. Individually Protected Properties (-IPP)* within that area will be identified.

## E. Contributing Structures

Before an area is designated as a conservation district, each structure will be determined to be either "contributing" or "non-contributing." Thereafter, at least once every 15 years, this determination will be reconfirmed.

## F. Certificate of Appropriateness

A Certificate of Appropriateness is required for certain projects in the HC District in accordance with *5.2.6. Minor Historic Review* and *5.2.7. Major Historic Review*.

# 2.9.5. Entrance Corridors (-EC)

## A. Intent

The Entrance Corridor District is intended to implement the Comprehensive Plan goal of protecting the City's historic, architectural and cultural resources, by ensuring a quality of development compatible with those resources through design control measures. The purposes of this Section are to protect and enhance the City's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the City from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.

## B. Applicability

1. The following Entrance Corridor Districts are hereby established upon and along the following arterial streets or highways, identified as Entrance Corridor (EC) Streets, which are deemed by the City Council to be significant routes of tourist access to the City, or to designated historic landmarks, buildings, structures or districts within the City:
    a. Route 29 North from the corporate limits to Ivy Road;
    b. Hydraulic Road from the corporate limits to the 250 Bypass;
    c. Barracks Road from the corporate limits to Meadowbrook Road;
    d. Ivy Road from the corporate limits to Emmet Street;
    e. Fontaine Avenue/Jefferson Park Avenue from the corporate limits to Emmet Street;
    f. Fifth Street, SW from the corporate limits to the beginning of the Ridge Street Architectural Design Control District;
    g. Avon Street from the corporate limits to the CSX Railroad tracks;
    h. Monticello Avenue/Route 20 from the corporate limits to Avon Street;
    i. Long Street from the corporate limits to St. Clair Avenue;
    j. East High Street/9th Street from Long Street to East Market Street;
    k. Preston Avenue from McIntire Road to Rosser Avenue; and
    l. McIntire Road, from Preston Avenue to Route 250.
2. Entrance Corridor Districts are hereby established upon the lots and parcels of land contiguous to the EC Streets, from the edge of the right-of-way to the full depth of the lot or parcel, as the lot or parcel existed on the date the adjacent EC Street was designated.
3. The Entrance Corridor Districts are hereby established over the existing zoning district classifications of the land contiguous to the EC Streets.

### C. Certificate of Appropriateness

A Certificate of Appropriateness is required for certain projects in the Entrance Corridor District in accordance with *5.2.8. Corridor Review*.

## 2.9.6. Core Neighborhood Corridors (-NC)

### A. Intent

Charlottesville's Core Neighborhoods have special significance to the City as historic neighborhoods that provide workforce housing serving important job centers of Charlottesville's Downtown and the University of Virginia. These racially diverse and affordable neighborhoods historically met their day-to-day needs on adjacent corridors. The Core Neighborhoods Corridors (-NC) district is intended to support these neighborhoods and implement the Comprehensive Plan goals of encouraging construction and continued existence of moderately priced housing, creating and preserving affordable housing, respecting the cultural heritage of the adjacent neighborhoods, supporting public health, encouraging economic development activities that provide desirable employment, and the overall promotion of a convenient and harmonious community.

### B. Applicability

Core Neighborhood Corridors (-NC) district extends from the designated street to the next parallel street.

### C. Special Exception Permit

1. Projects in the Core Neighborhood Corridors (-NC) district may apply for a Special Exception Permit to exceed the base height of the district to a maximum total height of 7 stories.

2. A project seeking additional height through a Special Exception Permit must meet the following requirements:

    a. Conduct a community meeting before submitting an application; and

    b. Provide at least 2 items from the following list:

        i. 20% of the total number of dwelling units must be affordable at 60% AMI. Affordable dwelling units must meet the requirements of *4.2.2. Affordable Dwelling Units*;

        ii. At least 2,500 square feet of affordably priced commercial space available for neighborhood-focused uses such as grocers, daycare, community banking or financial assistance offices, laundromats, recreational or fitness establishments, community health centers, or similar uses supporting the intent of this Section;

        iii. At least 2,500 square feet for educational training facilities, job training, or similar uses;

        iv. Dedicated indoor or outdoor community space, open for use by the local community. Indoor community space must be a minimum of 2,500 square feet. Outdoor space must be a minimum of 2,500 square feet and meet the standards of *2.10.4.C.3. Outdoor Amenity Space*;

v. Community gardens or urban agriculture with a minimum size of 2,500 square feet;

vi. Sustainable design features that serve to reduce the environmental impacts of the project, including incorporation of building design features associated with LEED, Passive House, or similar published building standards, Low-Impact Development Standards or other innovative stormwater management approaches that exceed the base requirements of Chapter 10 of the City Code (Water Protection), the preservation or planting of trees beyond the base requirement of this Code, or any combination of these items; or

vii. Other features or amenities that support the intent of this Section and the goals of the Comprehensive Plan.

# DIV. 2.10. RULES FOR ZONING DISTRICTS

## 2.10.1. General Terms and Designations

### A. Intent

To provide a set of general terms and designations, including definitions and standards, for terminology primarily used in this Article. Definitions and standards for terms used more broadly throughout the Code are found in *Article 7. General Standards and Definitions*.

### B. Street Designation

#### 1. Primary and Side Street Designations

a. All streets abutting a lot must be designated as either a primary street or side street.

b. When a lot abuts only one street, the street is considered a primary street.

c. A lot abutting multiple streets must designate at least one as a primary street.

d. A lot may abut more than one primary street.

e. For lots that abut multiple streets, the Administrator will determine primary streets using the following criteria listed from most important to less important:

i. The street or streets with the highest classification according to the Street Typology Map;

i. The established orientation of the block;

ii. The street abutting the longest face of the block; and

iii. The street parallel to an alley within the block.

f. Any street not designated as a primary street is designated as a side street.

### C. Lot Line Designation

#### 1. General

a. Lot lines are designated for lots only, lot lines are not designated for sublots.

b. Each lot line must have one of the following designations and no lot line may have more than one of the following designations:

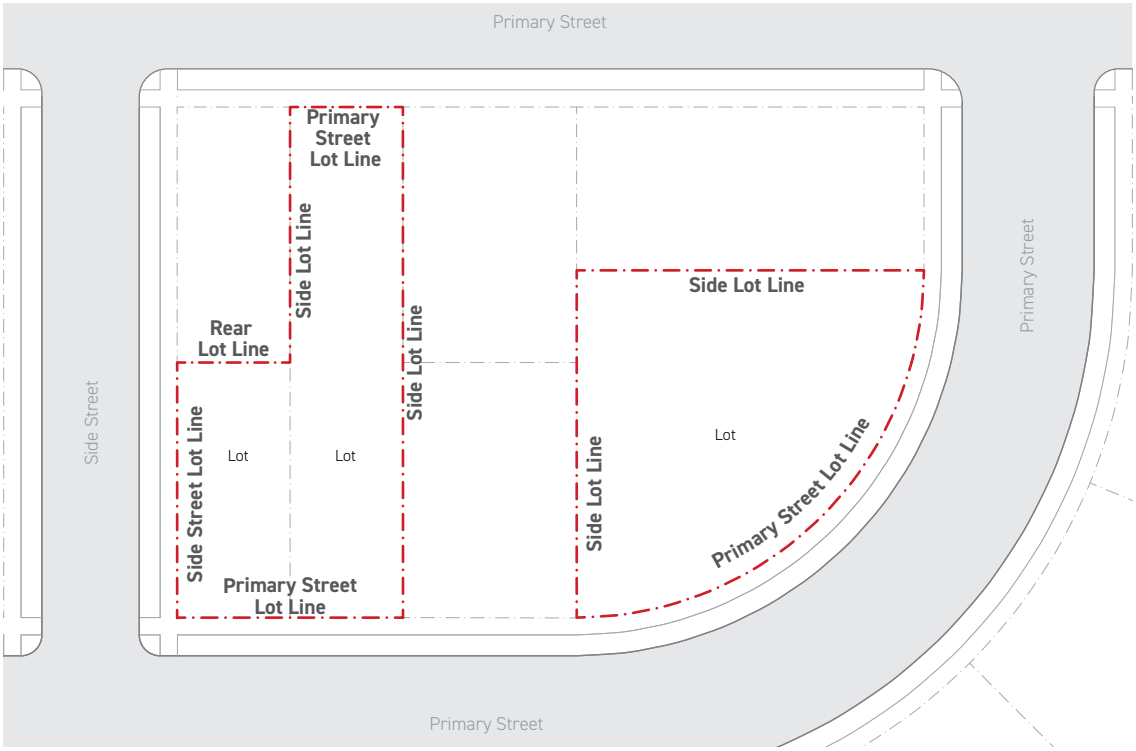
i. Primary street lot line;

ii. Side street lot line;

iii. Alley lot line;

iv. Rear lot line; or

v. Side lot line.




c. Primary street lot line and side street lot line designations apply to public and private streets. Alley lot line designation applies to public and private alleys.

d. In addition to any other designation, lot lines may also serve as one of the following categories:

   i. Street lot line; or

   ii. Common lot line.

### 2. Primary Street Lot Line

*Any lot line that abuts a primary street.*

a. Each lot must have at least one primary street lot line. A lot may have more than one primary street lot line.

b. A lot line abutting a park, open space, river, trail, or pedestrian path may serve as a primary street lot line.

c. Once designated for a lot, a primary street lot line cannot be changed (e.g., a primary street lot line cannot, for the purposes of subsequent development, be re-designated as a side street lot line) unless all standards of the applicable zoning district are met based on the proposed change in street lot line designation.

### 3. Side Street Lot Line

*Any lot line that abuts a side street. Any street lot line that is not a primary street lot line is considered a side street lot line.*

4. **Alley Lot Line**

*Any lot line that abuts an alley. Even when a lot line qualifies as a rear lot line or side lot line, all lot lines that abut an alley are considered an alley lot line.*

5. **Rear Lot Line**

*Any lot line that does not abut a street or alley and is opposite and most distant from a primary street lot line.*

a. A lot may have no more than one rear lot line.

b. In the case of a lot that fronts two streets on opposite sides, a lot may have no rear lot line.

c. Where no lot line is clearly opposite to the primary street lot line or where there are multiple primary street lot lines, the lot line having the highest portion of its length serving as the rear lot line of abutting lots is the rear lot line.

6. **Side Lot Line**

*Any lot line other than a primary street, side street, rear, or alley lot line.*

7. **Street Lot Line**

*Any lot line that abuts a street. Street lot lines include all primary street lot lines and side street lot lines.*

8. **Common Lot Line**

*Any lot line shared by two or more lots. All side and rear lot lines that do not abut a street or alley will be common lot lines.*

## D. Yard Designation

1. **General**

a. Yards are designated on lots only, yards are not designated on sublots.

b. All portions of a lot between the facade of a building and a property line will fall within one of the following yard designations: front yard, side street yard, side yard, or rear yard.

c. No portion of a lot may have more than one yard designation.

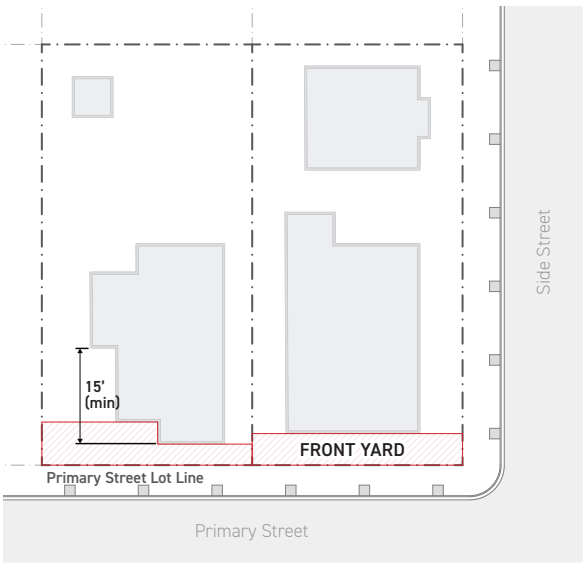
d. Yard designations are determined in the following order: (1) front yard, (2) side street yard, if any; (3) rear yard, if any; and (4) side yards, if any.

2. **Front Yard**

*All portions of a lot between a primary street lot line and a primary structure facing a primary street lot line extending the full width of the lot.*

a. A front yard does not include a building facade set back more than 15 feet from the primary building's street-facing facade.

b. Any portion of a lot that is designated as a front yard may not be designated as any other yard.



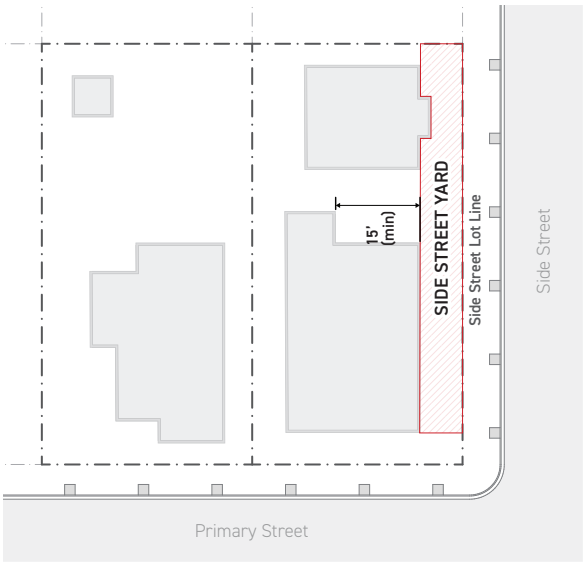

### 3. Side Street Yard

*All portions of a lot between a side street lot line and a primary structure facing a side street lot line extending the full depth of the lot.*

a. A side street yard does not include any building facade set back more than 15 feet from the primary building's street-facing facade.

b. For portions of the lot where no primary structure abuts the side street yard, the side street yard includes only portions of the lot included in the side street setback, see *2.10.5. Building Setbacks*.

c. A side street yard does not include any portion of a lot that may be designated as a front yard.

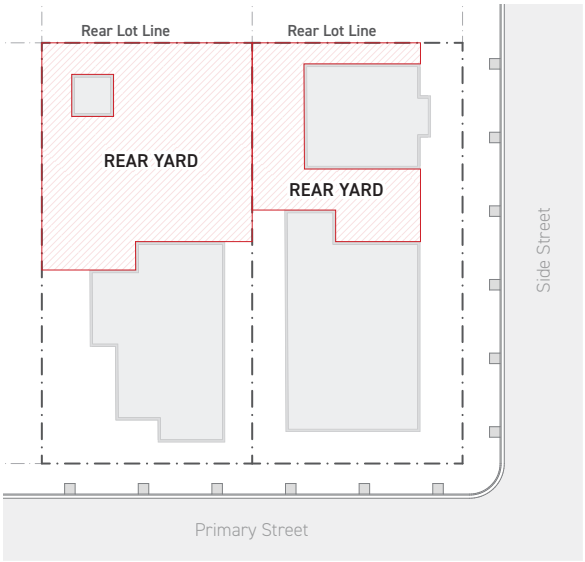



## 4. Rear Yard

*All portions of a lot between a rear lot line and a primary structure facing the rear lot line for the full width of the lot.*

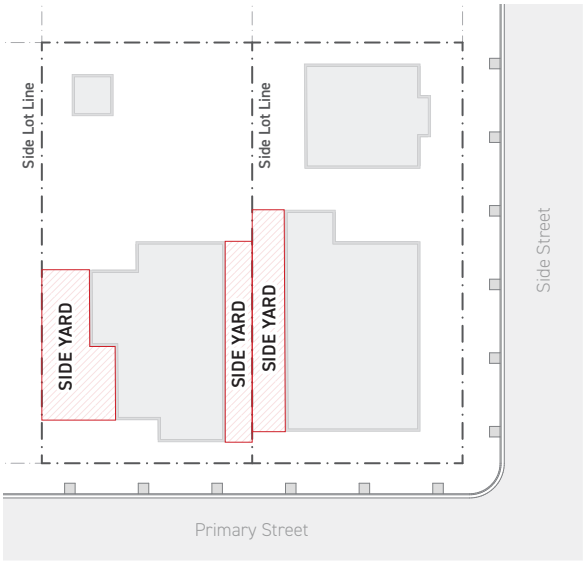
a. A rear yard does not include any portion of a lot that may be designated as a front yard or side street yard.

b. Any portion of a lot that is designated as a rear yard may not be designated as a side yard.



### 5. Side Yard

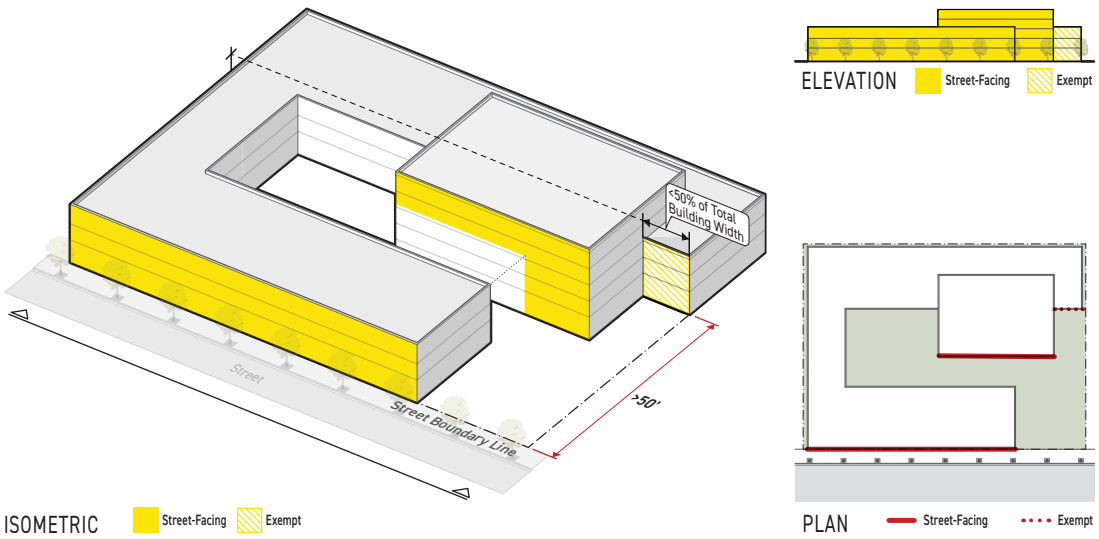
*All portions of a lot between a side lot line and a primary structure. Portions of a lot that do not meet the yard designation criteria for any other yard are designated as side yard.*




## E. Street-Facing Building Facades

*The portions of a building facade (when projected parallel to the street) with no permanent structure located between the building facade and the primary or side street lot line.*

1. Building facades located more than 50 feet behind the primary or side street lot line are exempt from any street-facing requirements, provided the cumulative width of the exempted facade is no wider than 50% of the total building width.



## F. Ground Story

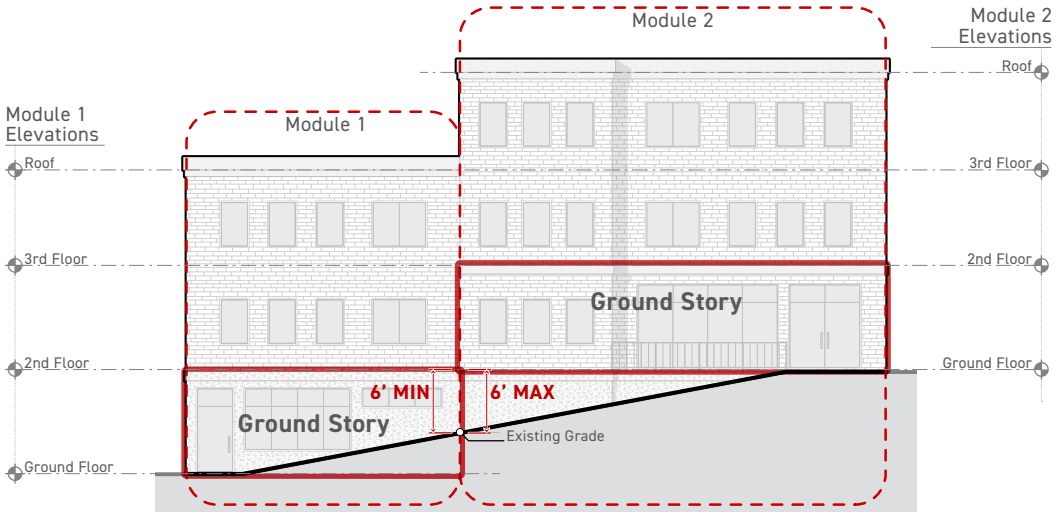
*The lowest story, or first floor, of a building.*

1. The ground story of a building is determined using primary and side street-facing building facades that meet the following criteria:

   a. The ground story must have a minimum of 6 feet of facade exposed above the abutting finished grade along the full width of the street-facing building facade; and

   b. The finished floor elevation of the ground story may be no higher than 6 feet above the abutting finished grade along the full width of the street-facing building facade.

2. Based on the criteria, the elevation of the ground story may change within the same building, creating building modules. The building modules may be used for measuring average grade and building height.



# G. Average Grade

*The elevation from which building and structure heights are measured.*

## 1. General

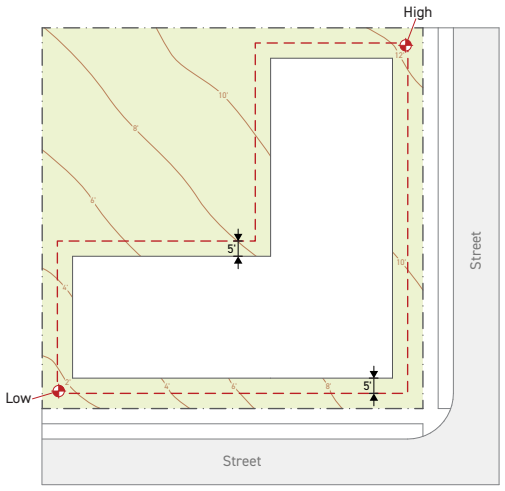
Average grade may be established either of the following ways:

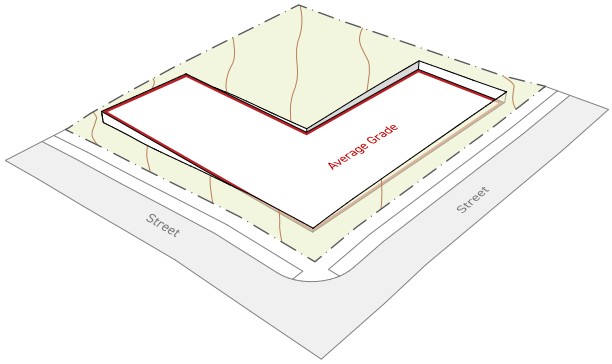
i. For a full building; or

ii. For each building module established by ground story modules.

## 2. Full Building Method

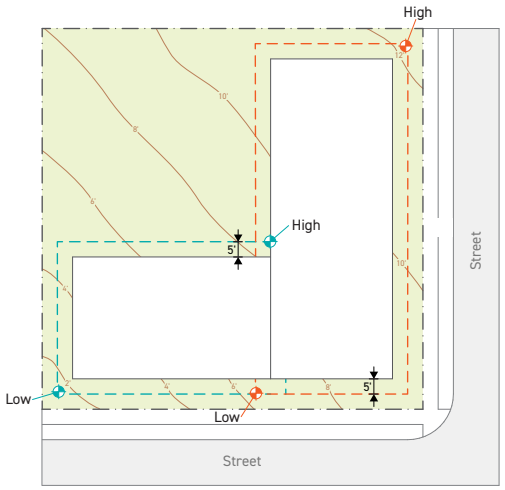
For the full building method, a average grade is calculated by averaging the highest and lowest elevation of existing grade within 5 feet of the building perimeter.

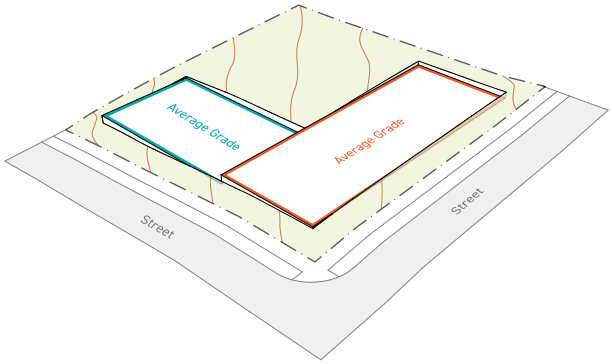



## 3. Building Module Method

For the building module method, average grade is calculated independent for each building module by averaging the highest and lowest elevation of existing grade within 5 feet of the perimeter of each building module.



# 2.10.2. Lot Size

## A. Area

*The total square footage within the boundaries of a lot.*

### 1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by ensuring newly established lots are generally consistent with desirable development patterns in the neighborhood and within the same zoning district.

### 2. Applicability

a. The minimum area requirement applies to lots approved and recorded on or after the effective date of this Development Code.

b. Any use allowed in the zoning district may be established on a lot lawfully created and recorded before the effective date of this Development Code, regardless of size of the lot, provided, that all other requirements of this Development Code are met.

c. Where sublots are permitted, lot area is calculated for each lot, not individual sublots.

### 3. Standards

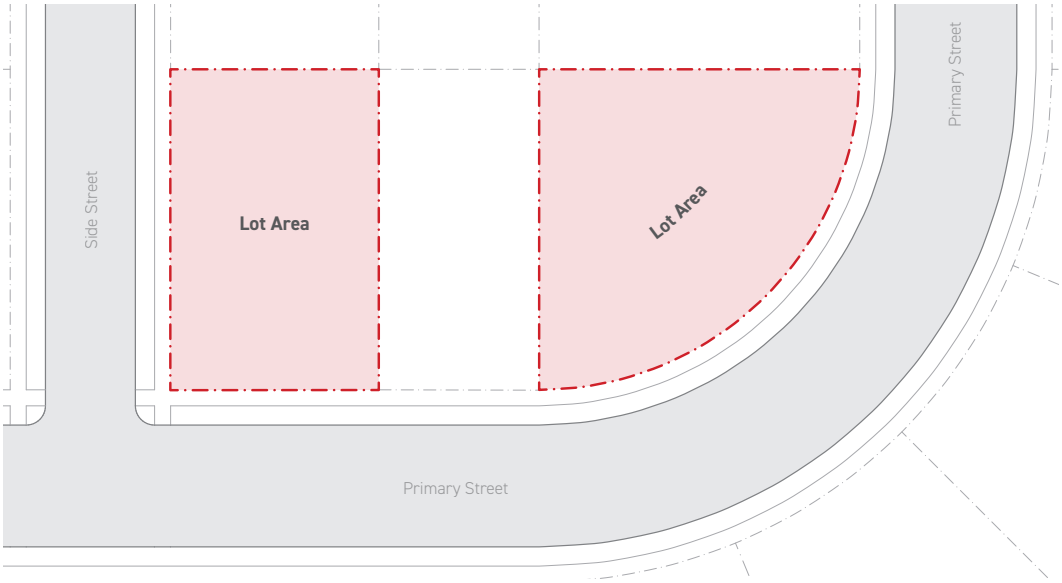
Every lot must have an area no less than the minimum lot area required by the zoning district.

### 4. Measurement

a. Lot area is measured horizontally as the total land area within the boundaries of a lot.

b. Lot area includes all portions of a lot allocated for required easements.

c. Lot area does not include portions of a lot required for land dedicated to public use.



## B. Width

*The length of primary street lot lines bounding a lot.*

### 1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by ensuring newly established lots are generally consistent with the character of the neighborhood and other properties within the same zoning district, and to help ensure safe and adequate vehicular access to and from a lot.

### 2. Applicability

a. The minimum width requirement applies to lots approved and recorded on or after the effective date of this Development Code.

b. Any use allowed in the zoning district may be established on a lot approved and recorded before the effective date of this Development Code, regardless of the width of the lot, provided, that all other requirements of this Development Code are met.

c. Where sublots are permitted, lot width is calculated for each lot, not individual sublots.

### 3. Standards

a. No applicable lot may have less than the minimum width required by the zoning district.

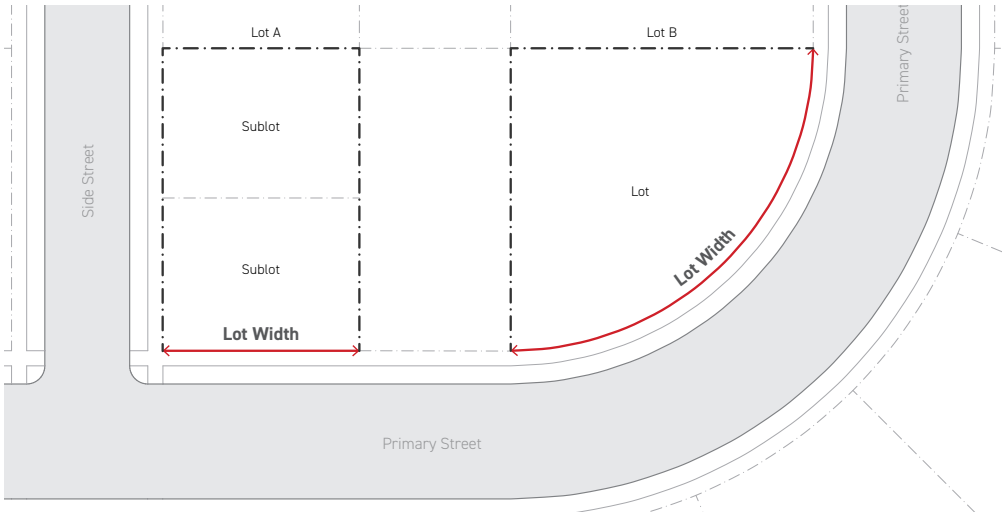
b. Lots having vehicular access from a primary street must meet the minimum width requirements for lots with front vehicular access as specified by the zoning district.

c. Lots having vehicular access from any street other than a primary street, or not having vehicular access at all, must meet the minimum width required for lots with other vehicular access specified by the zoning district.

### 4. Measurement

a. Lot width is measured following the geometry of all primary street lot lines that bound the lot.

b. Where a lot has 2 or more primary street lot lines facing different streets, all primary street lot lines must meet the minimum width standard.



# 2.10.3. Density

## A. Dwellings per Lot

*The maximum number of dwelling units allowed on a lot.*

### 1. Intent

To promote a full range of housing choices and ensure the number of dwelling units permitted on a lot is aligned with the zoning district intentions and is physically compatible with the lot itself.

### 2. Applicability

a. The limitation on the number of dwelling units per lot applies to all lots.

b. Where sublots are permitted, density is calculated for each lot, not individual sublots.

### 3. Standards

a. A lot cannot exceed the maximum number of dwelling units allowed by the zoning district, unless the lot meets the criteria for the development bonus in accordance with *Div. 4.2. Development Bonuses*.

b. Dwelling units may be detached or attached.

# 2.10.4. Coverage

## A. Building Coverage

*The percentage of lot area that is covered by buildings or structures.*

### 1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by preserving the open area and reducing the bulk of buildings on a lot by limiting the amount of buildings or structures that cover a lot.

### 2. Applicability

a. The maximum building coverage requirements apply to all lots.

b. Where sublots are permitted, building coverage is calculated for each lot, not individual sublots.

### 3. Standards

a. Buildings or covered structures on a lot cannot have a cumulative area in excess of the maximum building coverage allowed by the zoning district.

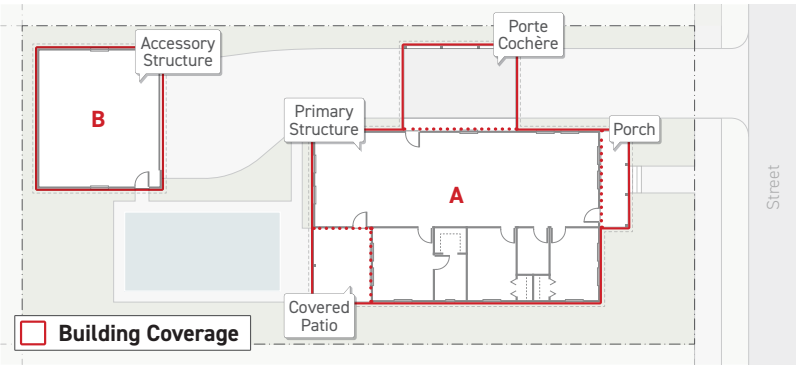
b. In Residential A (R-A), Residential B (R-B), and Residential C (R-C), the building coverage cannot exceed the maximum allowed based on the number of units provided on the lot.

### 4. Measurement

a. Building coverage is measured cumulatively for the lot.

b. Building coverage is measured by dividing the cumulative building footprint of all buildings and covered structures on the lot by the lot area.

c. For measurement of building footprint, see *Sec. 2.10.4.B. Building Footprint*.




(Cumulative Building Footprint) ÷ (Total Site Area) = **Building Coverage**

+ Building **A**
+ Building **B**
= **Cumulative Building Footprint**

## B. Building Footprint

*The area on a lot that is covered by each building or structure.*

### 1. Intent

a. To facilitate the creation of a convenient, attractive, and harmonious community by promoting fine-grained patterns of development and prevent large buildings that are significantly out of context with the City's traditional patterns of development.

b. To encourage larger projects to provide open space for pedestrians and recreation.

### 2. Application

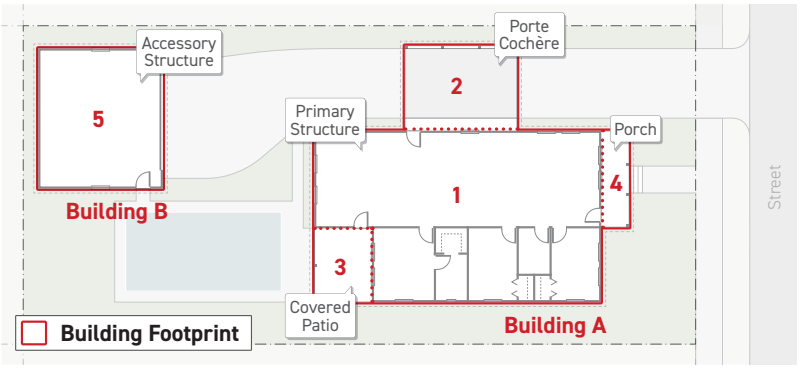
The maximum building footprint requirements apply to all lots.

### 3. Standards

Each building or covered structure on a lot cannot have an area in excess of the maximum building footprint allowed by the zoning district.

### 4. Measurement

a. Building footprint is measured for each individual building or structure and includes all enclosed or covered areas.



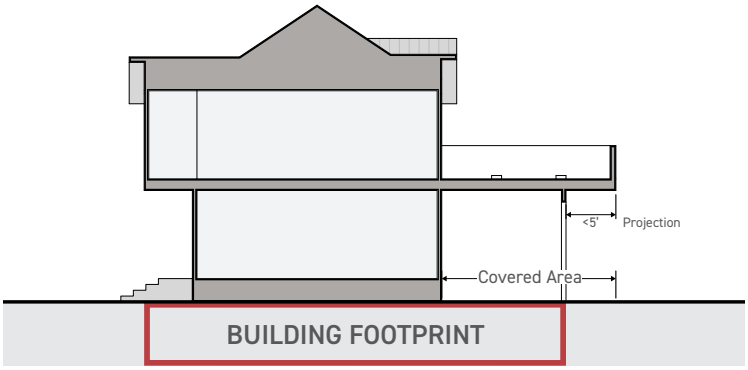

Area **1**
\+ Area **2**
\+ Area **3**
\+ Area **4**

**Building A Footprint**

Area **5**

**Building B Footprint**

b. Building footprint does not include portions of architectural projections (including roof overhangs and projected balconies) that are less than 5 feet from the nearest wall, column, spanning beam, or other structural element carrying gravity loads to the ground.



## C. Outdoor Amenity Space

*An area on a lot designated to be used for active or passive recreation, calculated as a percentage of total lot area.*

### 1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by:

a. Ensuring adequate recreation and open space areas for occupants, and to ensure such spaces are accessible, usable and safe; and

b. Encouraging projects to provide high-quality, pedestrian-oriented, and publicly accessible gathering spaces along streetscapes.

### 2. Application

a. The outdoor amenity space requirements apply to all lots.

b. Where the calculation of outdoor amenity space requires less than 400 square feet, no outdoor amenity space is required.

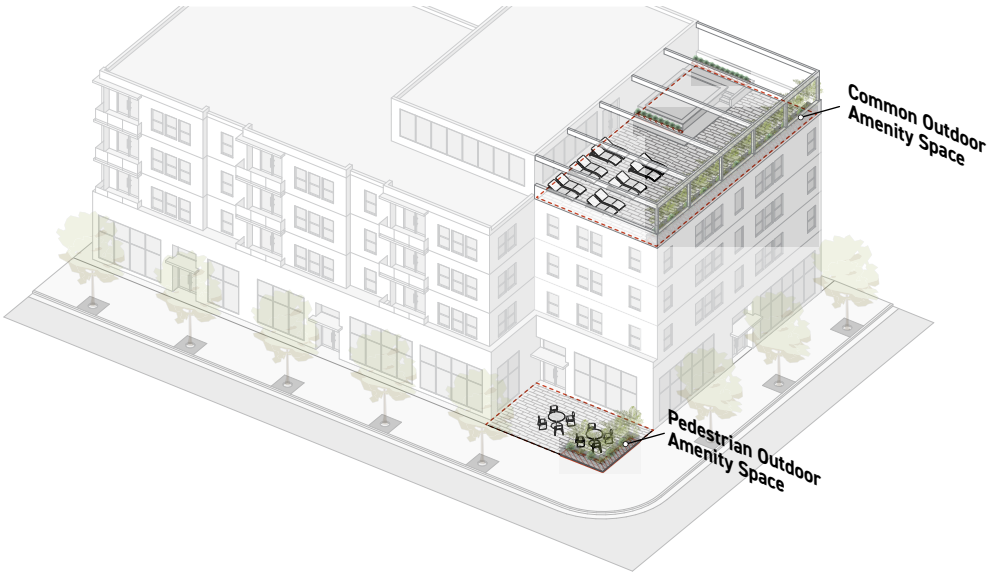
c. Where sublots are permitted, outdoor amenity space is calculated for each lot, not individual sublots.

### 3. Standards

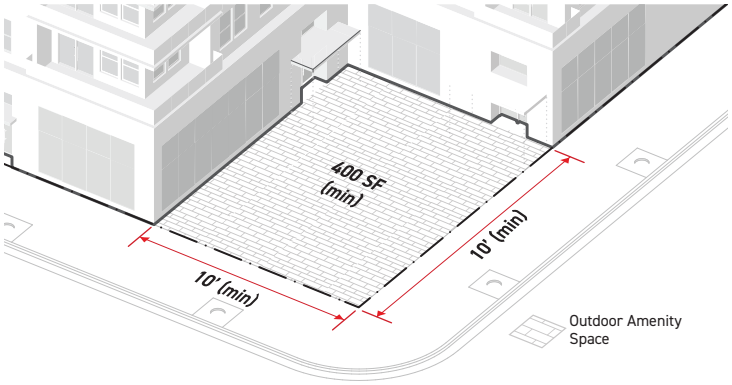
#### a. General Standards

i. A lot must provide outdoor amenity spaces having a cumulative area no less than the minimum percentage of outdoor amenity space specified by the zoning district.

ii. The required outdoor amenity space is classified as either Common Outdoor Amenity Space or Pedestrian Outdoor Amenity Space (see *Sec. 2.10.4.C. Outdoor Amenity Space*), and must meet the standards according to the classification.

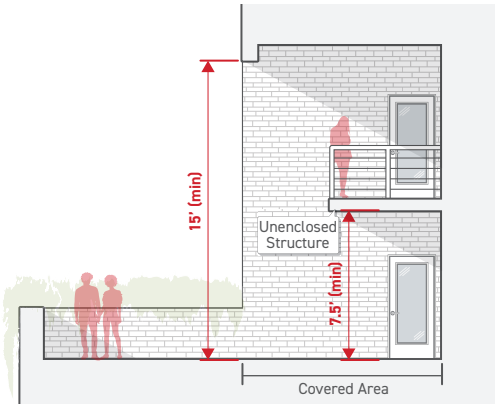


iii. Each outdoor amenity space must have a minimum area of 400 square feet, and no horizontal dimension of less than 10 feet, measured perpendicular to any boundary of the space.

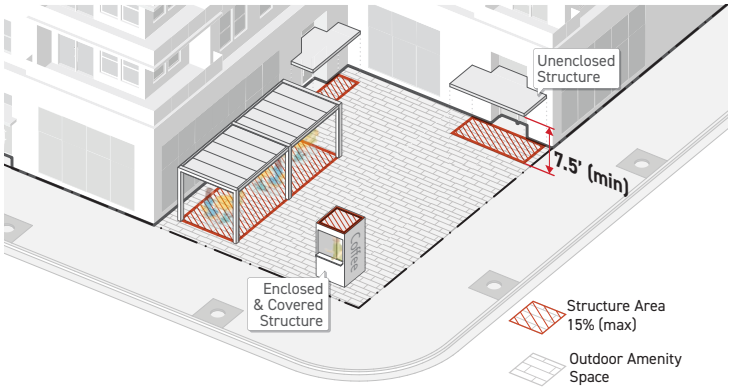



iv. No portion of the outdoor amenity space can have a clear height of less than 7.5 feet.

v. Outdoor amenity space that is roofed must have a minimum clear height of 15 feet.




vi. Fully enclosed accessory structures and roofed accessory structures may be permitted within an outdoor amenity space provided they cover a cumulative area no greater than 25% of the continuous outdoor amenity space area.



b. **Common Outdoor Amenity Space**

*Type of Outdoor Amenity Space generally reserved for use by building occupants and may not be accessible to the public. Examples include roof decks, pool amenity areas, and courtyards.*

Common outdoor amenity space must meet all of the general standards for outdoor amenity space in addition to the following requirements:

i. Each square foot of common outdoor amenity space provided counts as 1 square foot of required outdoor amenity space.

ii. Common outdoor amenity space must be made available to all occupants of a building, at no cost, during the hours of operation of the building. The space may not be permanently reserved or in any way exclude any occupant during the time it is required to be made available to all occupants.

iii. Building facades adjacent to common outdoor amenity space must have a minimum transparency of 15% for each story.

iv. Common outdoor amenity space cannot be located in a required transition setback based on the requirements of *2.10.7. Transitions*.

c. **Pedestrian Outdoor Amenity Space**

*Type of Outdoor Amenity Space that is publicly accessible and located in close proximity to the public sidewalk. Examples include patios and plazas.*

Pedestrian outdoor amenity space must meet all of the general standards for outdoor amenity space in addition to the following requirements:

i. Each square foot of pedestrian outdoor amenity space provided counts as 2 square feet of required outdoor amenity space.

ii. A minimum of 25% of the pedestrian outdoor amenity space perimeter must abut and be directly accessible from the sidewalk along a primary or side street.

iii. Pedestrian outdoor amenity space cannot be separated from this public sidewalk by any structure for more than 40% of the width of the amenity space, with the exception of a wall or fence 42 inches in height or the maximum height specified by the zoning district, whichever is less. The allowed wall or fence must provide openings for pedestrian access at least once every 35 feet.

iv. The finished floor or ground surface of a pedestrian outdoor amenity space must be located either at the same grade as the sidewalk, or within the minimum and maximum finished floor elevations specified by the zoning district (see *Sec. 2.10.9.B. Finished Floor Elevation*).

v. All building facades facing pedestrian outdoor amenity space must meet the transparency (*2.10.12. Transparency*) and entrances (*2.10.13. Entrances*) standards required by the zoning district for the applicable primary or side street frontage.

vi. A minimum of 20% of the total area of each pedestrian outdoor amenity space must be planted area and meet the requirements of *Div. 4.9. Landscaping*.

vii. Mechanical and utility equipment cannot be located within a pedestrian outdoor amenity space, or between a pedestrian outdoor amenity space and an adjacent building facade.

### 4. Measurement

The minimum required outdoor amenity space is calculated by multiplying the total lot area by the minimum outdoor amenity space percentage specified by the zoning district.

# 2.10.5. Building Setbacks

*The area on a lot not intended for buildings and structures. Includes primary street setbacks, side street setbacks, side setbacks, rear setbacks, and alley setbacks.*

## A. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by providing open areas on a lot and help reduce the impact of buildings or structures on abutting sidewalks and neighboring development.

## B. Applicability

1. The building setback requirements apply to all lots.
2. Where sublots are permitted, building setbacks apply only to the perimeter edges of a lot. Building setbacks do not apply to individual sublots.

## C. Standards

### 1. Minimum Setbacks

All buildings and structures on a lot must be located at or behind the minimum building setback specified by the zoning district, unless listed as an exception below.

### 2. Maximum Setbacks

Zoning districts with build-to width requirements have a required maximum setback, in addition to a required minimum building setback. In these districts, a certain portion of the building must be located at or in front of the maximum building setback specified by the district. For requirements related to the build-to width, see *2.10.6. Build-To*.

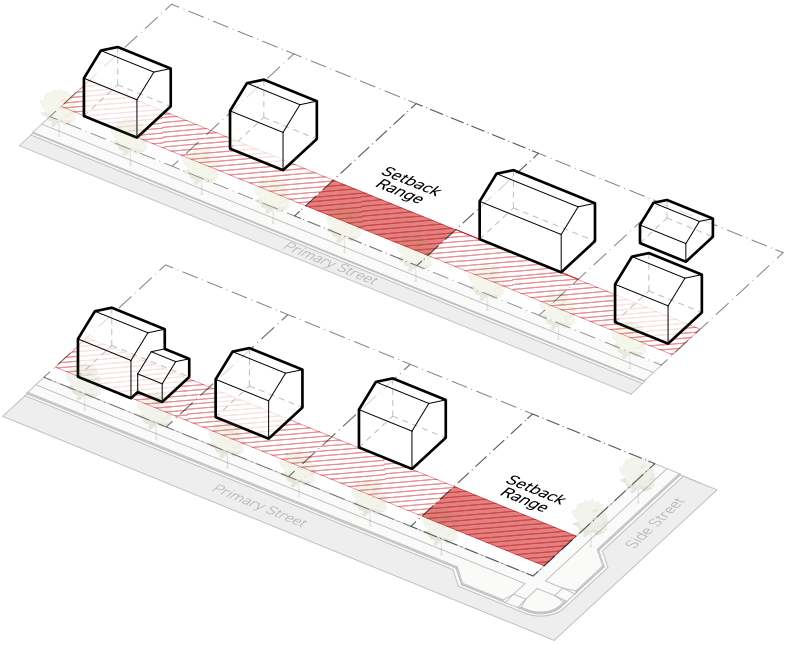
### 3. Existing Setback Range

When the zoning district specifies the primary street setback as "Existing Range" the minimum and maximum primary street setback defining the build-to zone may be modified as follows:

a. The required primary street setback may be met within the range of existing primary street setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range.

b. On an interior lot, the range of setbacks is determined by the 2 closest existing lots in either direction along the block face.

c. On a corner lot, the range of setbacks is determined by the 3 closest existing lots along the block face.



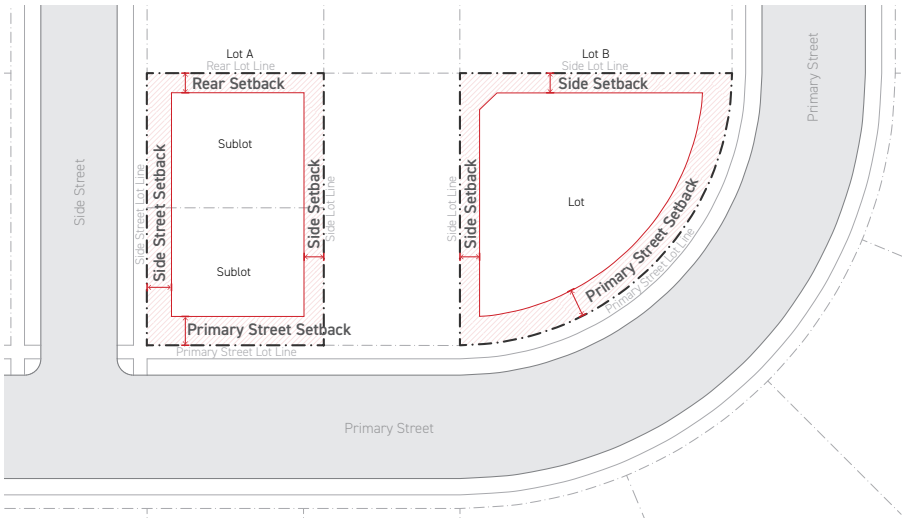

d. If any lot included in the setback range calculation has no dwelling unit on the front half of the lot or the lot is vacant, the lot must be disregarded for the purpose of calculating the existing setback range.

e. If the Administrator determines the existing setback range cannot be adequately determined, the setback range specified for the zoning district must be met.

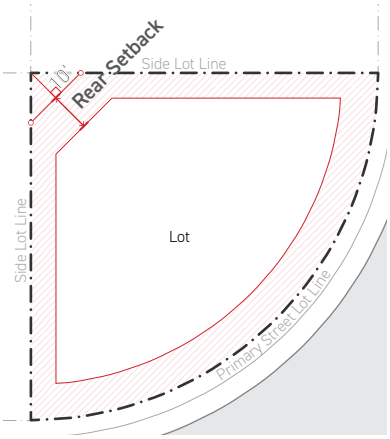
## D. Measurement

1. All building setbacks are measured perpendicular to the applicable lot line.

2. Where a lot line abuts an access easement, the Administrator will determine whether the setback may be measured from the interior edge of the access easement rather than the lot line.



3. Primary street setback is measured from the primary street lot line.
4. Side street setback is measured from the side street lot line.
5. Rear setback is measured from the rear lot line
    a. For determining the rear setback for a triangular or gore-shaped lot, the rear lot line is measured from a 10-foot wide line, parallel to the primary street lot line that intersects two side lots lines at its endpoints.
    b. For instances where the primary street lot line is not straight, the rear lot line must be parallel to a line connecting the end points of the primary street lot line.



# E. Exceptions

## 1. Limited Encroachments

The following are allowed to encroach beyond the building setback up to the minimum distance from the lot line specified below. The encroachments only apply when the zoning district's setbacks are equal to or larger than the allowed encroachment setbacks specified below.

| | | SETBACK | | |
|---|---|---|---|---|
| | | Primary St. / Side St. | Side / Rear | Alley |
| **Architectural Details** | *Sec. 7.1.2.A.2.* | | | |
| Encroachment (max) | | 2' | 2' | 2' |
| Distance from lot line (min) | | 0' | 2' | 1.5' |
| **Roof Projections** | *Sec. 7.1.2.A.2.* | | | |
| Encroachment (max) | | 2.5' | 2.5' | 2.5' |
| Distance from lot line (min) | | 0' | 2' | 1.5' |
| **Unenclosed Structures: Ground Story** | *Sec. 7.1.2.A.2.* | | | |
| Encroachment (max) | | 8' | 3' | 3' |
| Distance from lot line (min) | | 0' | 2' | 0' |
| **Unenclosed Structures: Upper Story** | *Sec. 7.1.2.A.2.* | | | |
| Encroachment (max) | | 5' | 3' | 5' |
| Distance from lot line (min) | | 0' | 2' | 1.5' |
| **Enclosed Structures** | *Sec. 7.1.2.A.2.* | | | |
| Encroachment (max) | | 2.5' | 1.5' | 2.5' |
| Distance from lot line (min) | | 0' | 2' | 1.5' |
| **Mechanical and Electrical Equipment** | *Sec. 7.1.2.A.2.* | | | |
| **Ground Mounted** | | | | |
| Encroachment (max) | | not allowed | 2.5' | 2.5' |
| Distance from lot line (min) | | -- | 2.5' | 2' |
| **Wall Mounted** | | | | |
| Encroachment (max) | | not allowed | 1.5' | 1.5' |
| Distance from lot line (min) | | -- | 2.5' | 2' |
| **Waste Enclosure** | *Sec. 7.1.2.A.2.* | | | |
| Encroachment (max) | | not allowed | 5' | 5' |
| Distance from lot line (min) | | -- | 5' | 5' |
| **Signs** | | see *Div. 4.11. Signs* | | |

## 2. Unlimited Encroachments

The following may encroach into a required setback to the extent necessary to perform their proper function:

a. Accessibility ramps and lifts and fire escapes;

b. Covered structures located entirely below grade. Examples include footings, cellars, basements, storm water storage, and cisterns;

c. Sidewalks, multi-use paths, ramps, driveways, patios, and decks 2.5 feet in height or less, measured from finished grade;

d. Fences and walls;

e. Plants. Examples include trees, shrubs, flowers, herbs, vegetables, grasses, ferns, mosses, and associated planters and raised planting beds, if applicable;

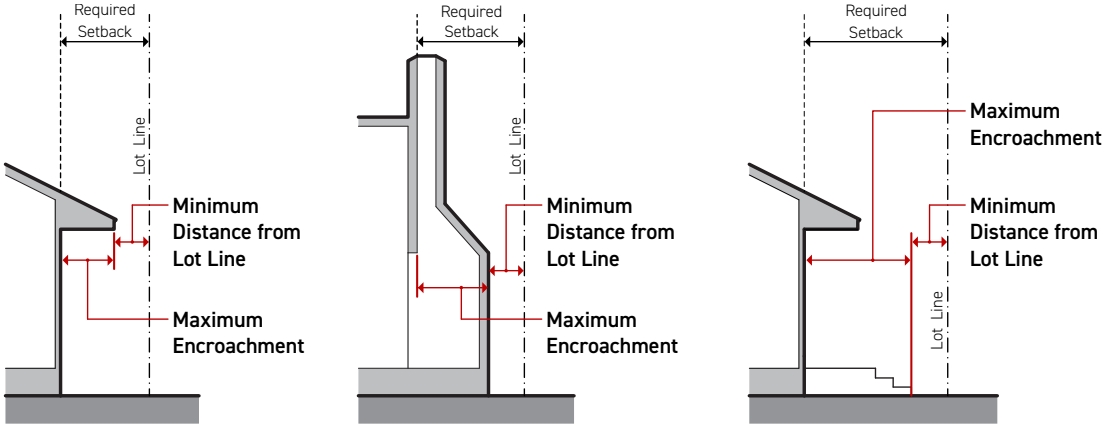
f. Low impact development (LID) stormwater devices approved by the City; and

g. Permanent or movable furniture. Examples include benches, tables, and bike and scooter parking racks.

## 3. Measurement of Encroachments

a. Encroachment is measured as the horizontal distance from the edge of the area where structures are restricted.

b. Distance from lot line is measured as the horizontal distance from a lot line. Distance from lot line is measured toward the interior of the lot line along the full perimeter of the lot line.



# 2.10.6. Build-To

## A. Build-To Width

*The cumulative building width that occupies the build-to zone relative to the width of the site at the street lot line.*

### 1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by regulating the placement of buildings along the public realm so that buildings frame the public realm with a consistent pattern of development.

### 2. Applicability

a. The build-to width applies to all lots.

b. The build-to width requirements apply to the ground story of the building only. The ground story is determined according to *2.10.9. Height*.

c. Where sublots are permitted, build-to width is calculated for each lot, not individual sublots.

d. For through lots ~~in Residential (R-) Districts,~~ the Administrator may waive or vary the build-to width requirement for one of the street lot lines. The Administrator will consider the following standards when making the decision to waive or vary the requirement for one street lot line:

i. The proposed number and arrangement of units on the lot to determine if meeting the build-to width requirement is practical for all street lot lines; and

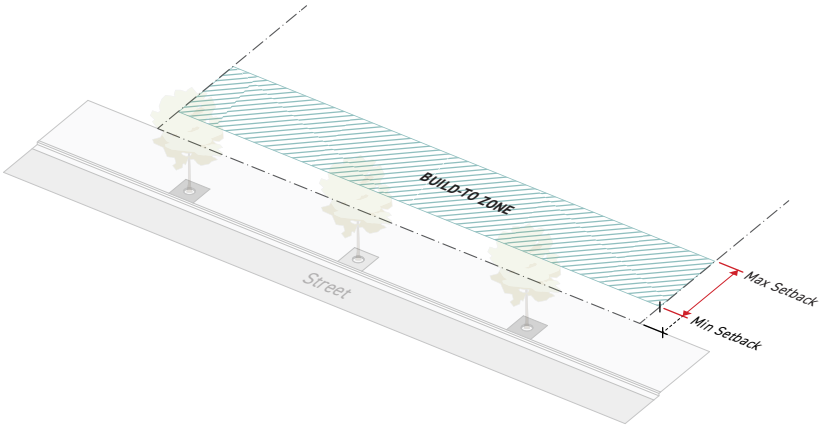
ii. The prevailing pattern of development on the surrounding parcels to determine which street must meet the build-to requirement and which street can waive or vary the requirement.

### 3. Standards

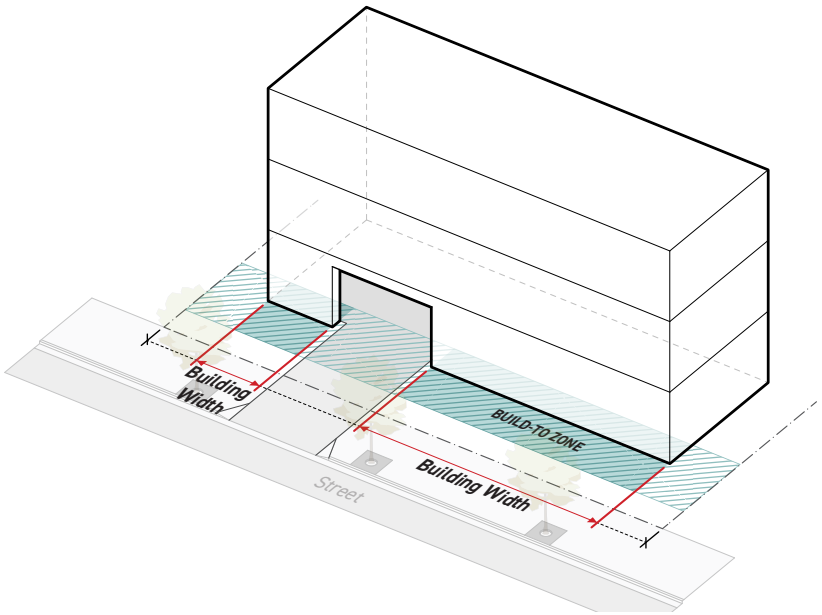
#### a. General

i. Buildings must be located within the build-to zone for no less than the minimum build-to width required in the zoning district.

ii. The build-to zone is the area on the site between the minimum and maximum building setbacks, for the full width of the site. The build-to zone is measured perpendicular to the primary or side street lot line from the minimum street setback to the maximum street setback.




iii. Portions of building width providing motor vehicle access to a vehicle use area through the ground story of a building do not qualify as building width in the build-to zone.

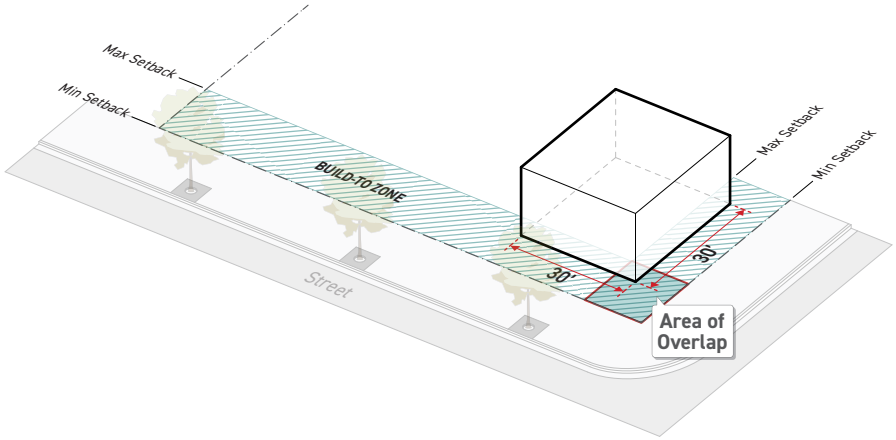



iv. Once the minimum build-to width requirement has been satisfied, buildings and structures may occupy the area behind the maximum building setback.

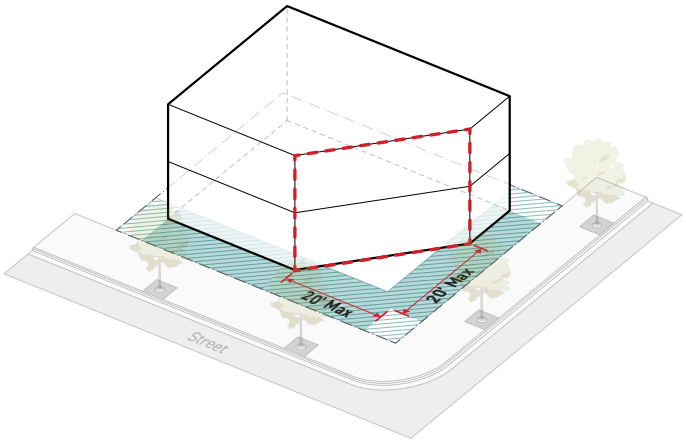
v. For lots with existing nonconforming buildings, see requirements in *Div. 5.3. Nonconformities*.

b. **Corner Lots**

i. On corner lots where both streets have build-to width requirements, a building must occupy the portion of the area where the two intersecting build-to zones overlap. The building must occupy the build-to zones for both streets lot lines for a minimum of 30 feet from the corner. The minimum requirement is measured starting at the edge of the building occupying the area of overlap and moving away from the corner, parallel to the street lot line. This building width counts toward the required build-to width for both street lot lines.




ii. A chamfered corner no more than 20 feet in width along both street lot lines qualifies as a building width in the build-to zone even where it extends outside of the build-to zone. Chamfered corner width is measured parallel to the street lot line.

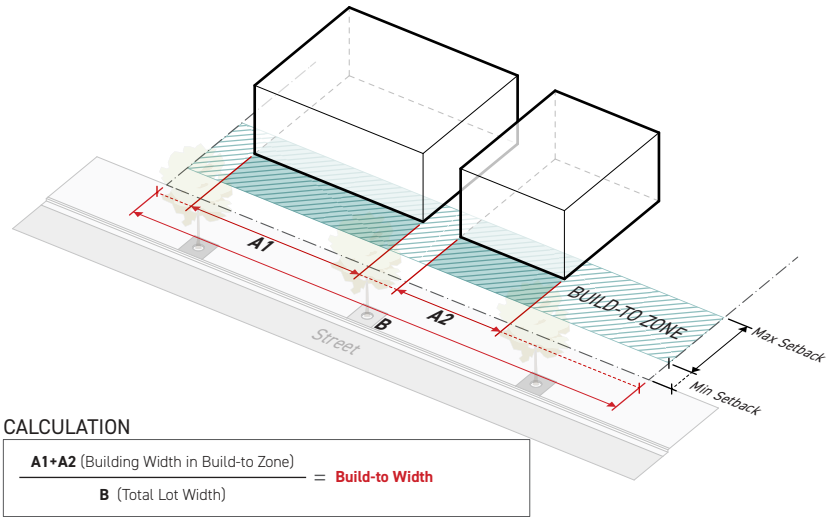



iii. Corner lot standards do not apply when a pedestrian outdoor amenity space occupies the same portion of the area of overlap and is being used to count toward the build-to requirement.

## 4. Measurement

a. Build-to width is calculated separately along each street lot line where a build-to width is required.

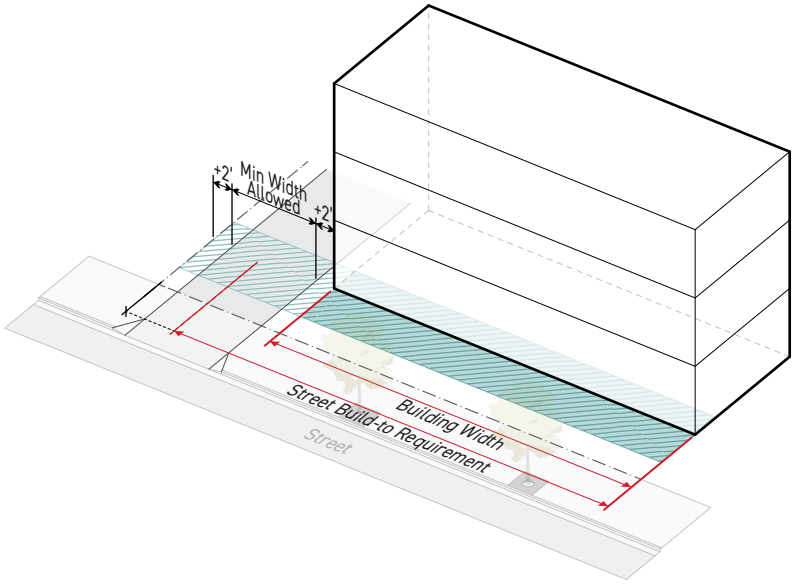
b. Build-to width is a percentage measured as the sum of all building widths occupying the build-to zone, divided by the total lot width.




## 5. Exceptions

### a. Vehicular Access Allowance

Where vehicular access is permitted to be taken through the street lot line and providing access prevents a building from meeting the build-to width requirement, a reduced build-to width may be allowed by the Administrator, provided the portion of the lot in the build-to zone used for vehicle access is no wider than the minimum required driveway width plus an additional 4 feet of width for clearance. See *4.5.3. Vehicle Access*.




### b. ~~Heritage~~ Tree Preservation Allowance

Where the preservation of a ~~designated heritage~~ tree with 15" diameter breast height (DBH) or greater prevents a building from meeting the build-to width requirement, a reduced build-to

width may be allowed by the Administrator. The build-to width will only be reduced to the extent necessary to preserve the tree and prevent damage from construction, according to the standards in *4.9.1. Tree Preservation and Replacement*.

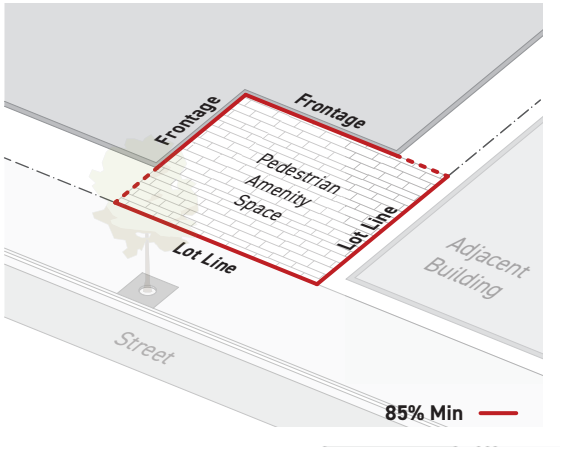
c. **Pedestrian Outdoor Amenity Space Allowance**

Open space meeting the requirements for pedestrian outdoor amenity space (*Sec. 2.10.4.C. Outdoor Amenity Space*) may be provided as a substitute for the build-to width requirement, provided the following standards are met:

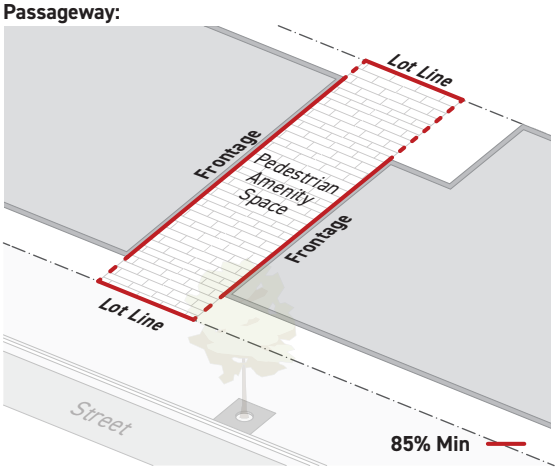
i. A minimum of 85% of the pedestrian outdoor amenity space perimeter must abut either a lot line or a facade meeting the standards of the zoning district specified for the abutting street lot line.

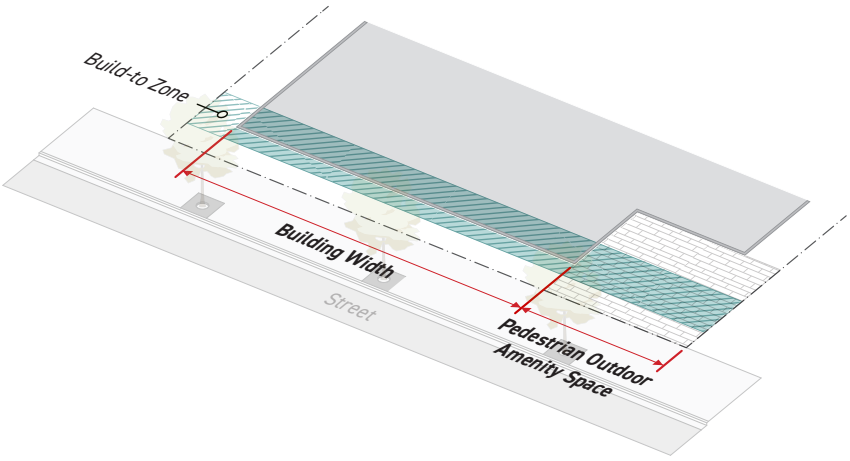
ii. Where pedestrian outdoor amenity space abuts multiple street lot lines, the standards specified for the street lot line that abuts the pedestrian outdoor amenity space for the greatest length applies.

**Plaza:**




**Passageway:**



## 2.10.7. Transitions

*Additional setback, a buffer requirement and reduced height allowance when certain districts abut specifically defined districts with a lower height intensity.*

For requirements see *Div. 4.7. Transitions and Screening*.

# 2.10.8. Parking Location

*Where on-site parking is or is not allowed between the building and the street.*

## A. Intent

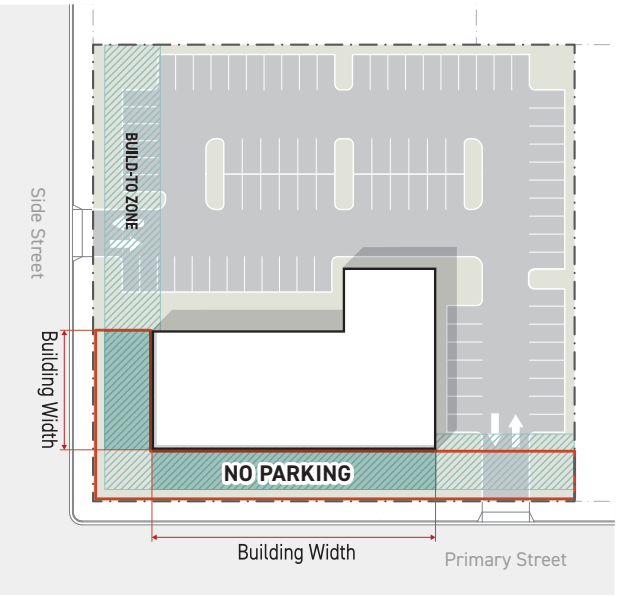
To facilitate the creation of a convenient, attractive, and harmonious community by minimizing the impact of motor vehicles dominating areas in the public realm and to promote a comfortable, safe, engaging, and attractive streetscape with active spaces and landscaping along the public realm.

## B. Applicability

The parking location standards apply to all lots that provide on-site parking.

## C. Standards

1. When provided, on-site parking is only allowed in a yard as specified by the zoning district.
2. When parking is allowed in a side street yard, parking is only allowed on a driveway that meets the requirements of *4.5.3. Vehicle Access*.
3. When parking is not allowed in a front yard or side street yard, on-site parking must meet the following standards:
    a. No portion of a designated on-site parking space is allowed in the yard. A driveway that meets the requirements of *4.5.3. Vehicle Access* is allowed in the yard, however, it cannot be used for permanent on-site parking.
    b. In a side yard, a driveway is allowed in one side yard only and the continuation of that side yard into the front yard or rear yard to the lot line.
    c. For zoning districts with a build-to width requirement, no parking or area designated for vehicle use can be located between any portion of the building used to meet the build-to width requirement and the street.



4. See *Div. 4.5. Access and Parking* for additional parking and parking area requirements.

## D. Measurement

For determination of a front yard, side street yard, side yard or rear yard, see *2.10.1.D. Yard Designation*.

# 2.10.9. Height

## A. Building Height

*The vertical dimension of a building or structure measured in feet and stories.*

### 1. Intent

To provide adequate light, air, safety, and to protect the character of an area.

### 2. Applicability

Building height limitations apply to all lots in all zoning districts.

### 3. Standards

#### a. General

i. No building, portion of a building, or structure may exceed the maximum number of stories or feet allowed in the zoning district, unless:

a) The building, portion of a building, or structure is listed as an exception below.

b) The project site meets the criteria for the height bonus in accordance with *Div. 4.2. Development Bonuses*.

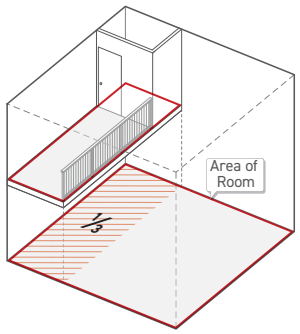
ii. In Downtown Mixed Use (DX), where the BAR has authority, the maximum height is determined based on BAR review using their design guidelines. In areas outside of BAR authority, the maximum height is determined by the maximum number of stories and feet allowed by the zoning district.

#### b. Stories

i. Basements are not included in the calculation of maximum height in stories.

ii. Mezzanines do not count as a story provided they meet the following standards:

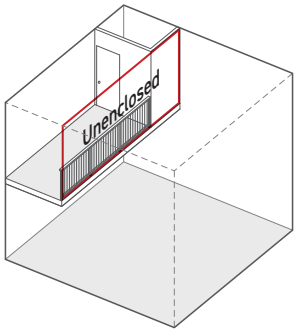
a) The mezzanine floor area is not more than 1/3 of the floor area of the room or enclosed space it is included within.



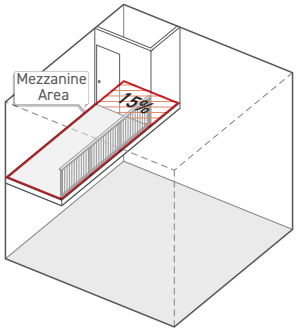

b) The perimeter of the mezzanine is unenclosed, with the following exceptions:

1) The portions of mezzanine perimeter that are formed by the walls enclosing the larger room or space the mezzanine is located within;

2) Required safety barriers along the perimeter of the mezzanine;




c) A maximum of 15% of the interior floor area of the mezzanine may be enclosed.

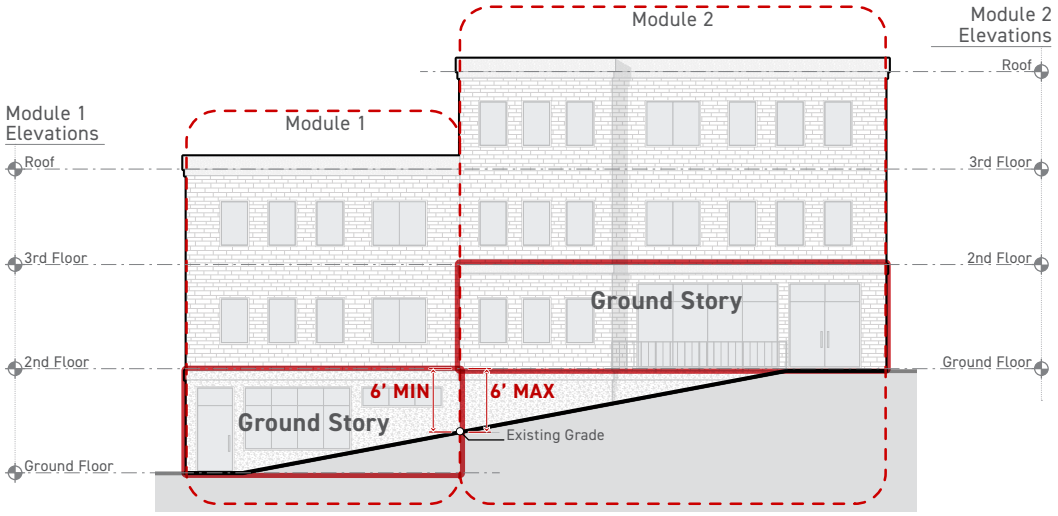



## 4. Measurement

### a. Height in Stories

i. Height in stories is measured as the number of stories above finished grade. The ground story and all upper stories are included in the calculation of maximum height in stories.

ii. Height in stories may be measured for a full building or for each building module established by ground story modules.




iii. The topmost story of a building is not counted as a full story and is counted as a half story when the following standards are met:

a) It is completely within the roof form of the building and less than 50% of the floor area has a clear height of more than 7.5 feet, measured from the finished floor to the finished ceiling; and

b) Dormers do not exceed more than 50% of the front, rear, or side building width.

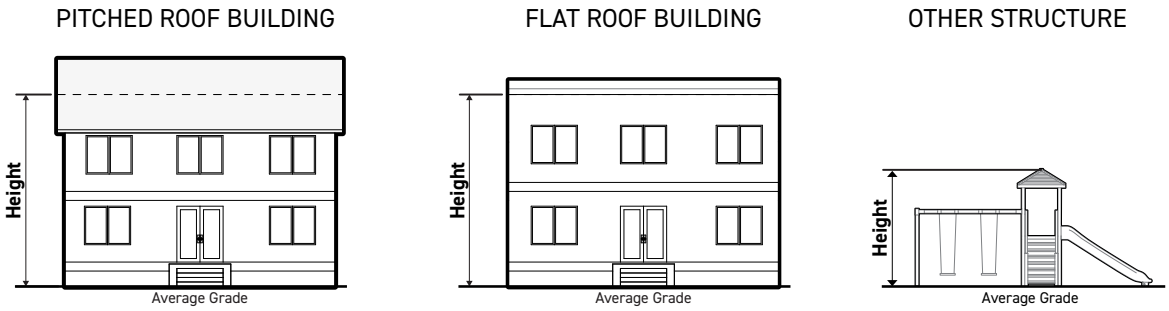
b. **Height in Feet**

i. Height in feet is the number of feet from average grade to:

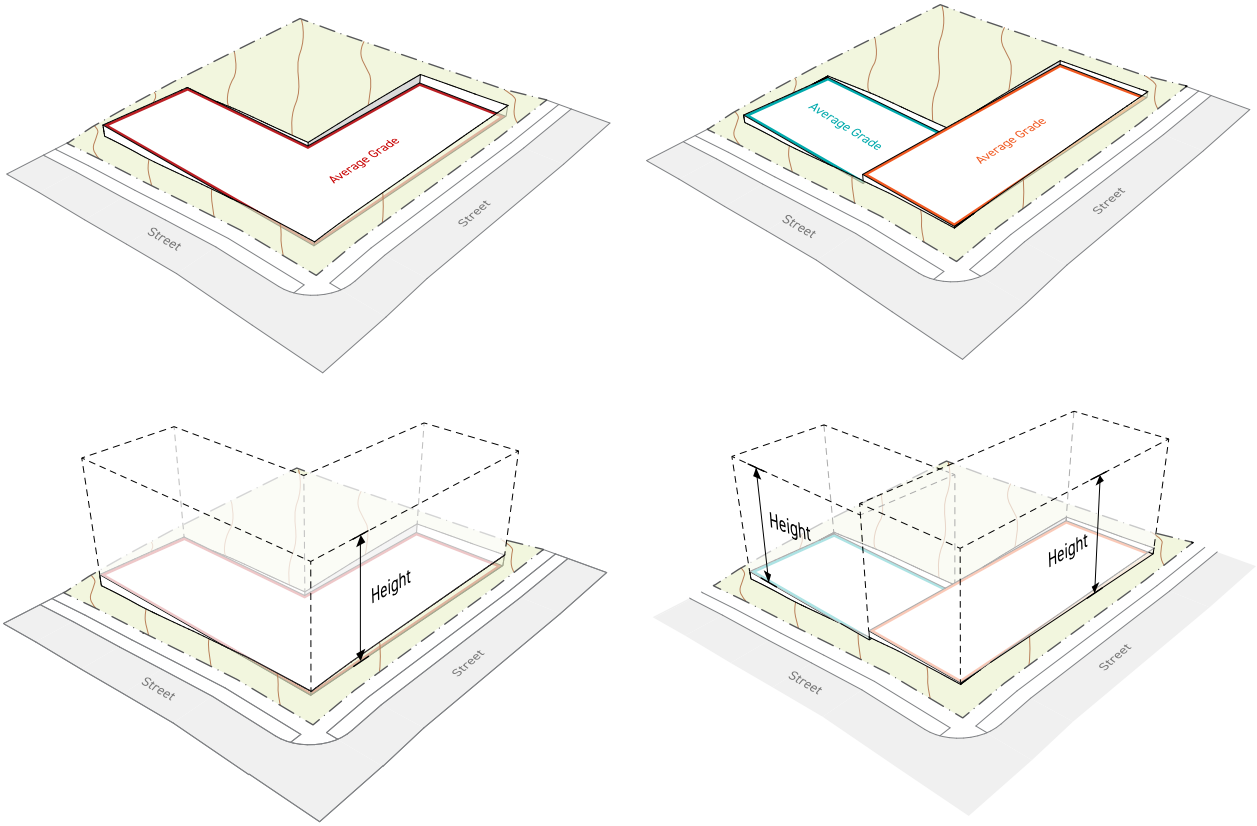
a) The mid-point of the roof, for a building with a roof having a pitch greater than 4:12;

b) The top of the structural roof deck, for a building with a roof having a pitch of 4:12 or less; and

c) The topmost point of the structure, for all other structures.




ii. Height in feet may be measured for the full building or for each building module established by the ground story modules.



## 5. Exceptions

The following encroachments are allowed to extend beyond the maximum height limit, as specified below:

| | | District Height (max) | |
|---|---|---|---|
| | | Up to 42′ | More Than 42′ |
| **Architectural Elements** | *Sec. 7.1.2.A.3.* | | |
| Encroachment (max) | | 10′ | 10′ |
| Setback from roof edge (min) | | 0' | 0′ |
| **Safety Barriers** | *Sec. 7.1.2.A.3.* | | |
| Encroachment (max) | | 6' | 6' |
| Setback from roof edge (min) | | 0' | 0' |
| **Vertical Circulation** | *Sec. 7.1.2.A.3.* | | |
| Encroachment (max) | | 14′ | 14′ |
| Setback from roof edge (min) | | 5' | 5' |
| **Unenclosed Structures** | *Sec. 7.1.2.A.3.* | | |
| Encroachment (max) | | 10′ | 10′ |
| Setback from roof edge (min) | | 5' | 5' |
| **Mechanical and Electrical Equipment** | *Sec. 7.1.2.A.3.* | | |
| Encroachment (max) | | 5′ | 10′ |
| Setback from roof edge (min) | | 3' | 5′ |
| **Flatwork** | *Sec. 7.1.2.A.3.* | | |
| Encroachment (max) | | 2.5' | 2.5' |
| Setback from roof edge (min) | | 1' | 1' |
| **Vegetation** | *Sec. 7.1.2.A.3.* | | |
| Encroachment (max) | | unlimited | unlimited |
| Setback from roof edge (min) | | 1' | 1' |
| **Signs** | | see *Div. 4.11. Signs* | |

## B. Side Wall Height

*The vertical dimension of the wall of a building or structure, supporting the roof structure.*

### 1. Intent

To protect the scale and character of development in lower-intensity residential areas.

### 2. Applicability

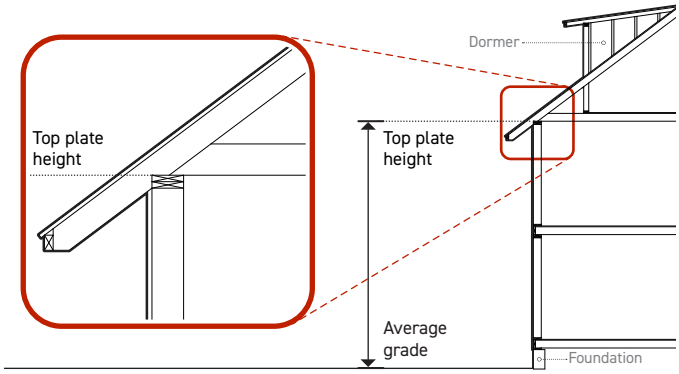
Side wall height limitations apply to all lots in Residential A (R-A) and Residential B (R-B) zoning districts.

### 3. Standards

Side wall height cannot exceed the maximum height specified by the zoning district.

### 4. Measurement

Side wall height is measured from average grade to the top plate of the building.




## C. ~~Street Step-Back~~

~~*Step-like recesses in the upper story massing of a building along street lot lines.*~~

### 1. ~~Intent~~

~~To reduce the perceived bulk and mass of a building along facades facing streets, and ensuring building height along the street is appropriate to neighboring context, while allowing for additional building height.~~

### 2. ~~Applicability~~

a. ~~Street step-back requirements apply to lots fronting on streets designated on the Downtown Step-Back Map in Appendix __.~~

b. ~~When required by the Downtown Step-Back Map, street step-back requirements apply to all buildings or structures that face a street lot line.~~

## 3. Standards

The following standards apply for a minimum of 85% of the building width:

a. All stories above the maximum stories without step-back requirement must step back from the street-facing facade by at least the minimum step-back depth required by the Downtown Step-Back Map.

b. No building or structure may extend into the minimum step-back depth, unless listed as an exception below.

c. Buildings with a height up to the maximum stories without step-back are not required to provide a street step-back.

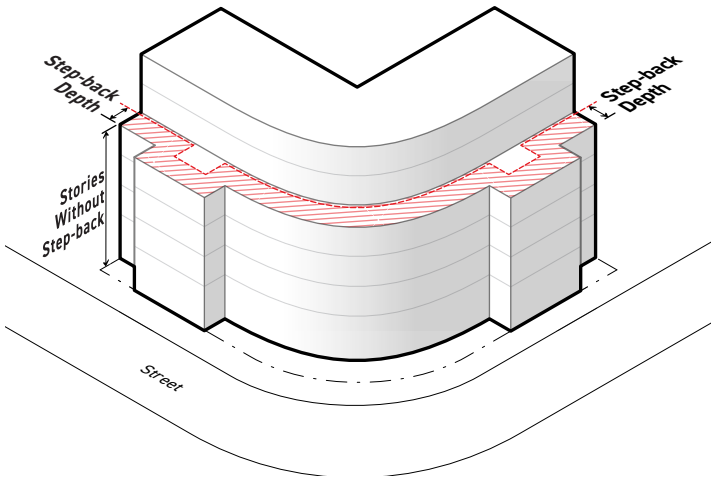
## 4. Measurement

a. **Stories without Step-Back**

Stories without step-back is measured according to *Sec. 2.10.9.A. Building Height*.

b. **Step-Back Depth**

The minimum step-back depth is measured as a horizontal distance from the exterior of the uppermost story without a step-back to the exterior of the stepped back stories.




## 5. Exceptions

a. The following are allowed to horizontally encroach beyond the required street-step back as listed below:

| | | Horizontal Encroachment (max) |
|---|---|---|
| Architectural Elements | *Sec. 7.1.2.A.2.* | 2' |
| Roof Projections | *Sec. 7.1.2.A.2.* | 2.5' |
| Unenclosed Structures | *Sec. 7.1.2.A.2.* | 5' |
| Enclosed Structures | *Sec. 7.1.2.A.2.* | 2.5' |
| Mechanical and Electrical Equipment | *Sec. 7.1.2.A.2.* | 1.5' |

b. ~~The following are allowed to vertically encroach beyond the required street-step back as listed below:~~

| | | ~~Vertical Encroachment (max)~~ | ~~Setback from Roof Edge (min)~~ |
|---|---|---|---|
| ~~**Architectural Elements**~~ | *Sec. 7.1.2.~~*~~A.3.~~* | ~~3'~~ | ~~0'~~ |
| ~~**Safety Barriers**~~ | *Sec. 7.1.2.~~*~~A.3.~~* | ~~6'~~ | ~~0'~~ |
| ~~**Vertical Circulation**~~ | *Sec. 7.1.2.~~*~~A.3.~~* | ~~10'~~ | ~~5'~~ |
| ~~**Unenclosed Structures**~~ | *Sec. 7.1.2.~~*~~A.3.~~* | ~~8'~~ | ~~5'~~ |
| ~~**Mechanical and Electrical Equipment**~~ | *Sec. 7.1.2.~~*~~A.3.~~* | ~~5'~~ | ~~3'~~ |
| ~~**Flatwork**~~ | *Sec. 7.1.2.~~*~~A.3.~~* | ~~2.5'~~ | ~~1'~~ |
| ~~**Vegetation**~~ | *Sec. 7.1.2.~~*~~A.3.~~* | ~~unlimited~~ | ~~1'~~ |

# 2.10.10. Massing

## A. Building Width

*The horizontal width of a building on a lot, parallel to the street lot line.*

### 1. Intent

a. To promote fine-grained patterns of development and prevent long buildings that are significantly out of context with the City's traditional patterns of development by breaking wide buildings into multiple, clearly distinguished building widths.

b. To encourage larger projects to provide open space for pedestrians and recreation.

### 2. Applicability

a. Building width requirements apply to all street-facing building facades.

b. Building width requirements apply only to portions of buildings located above the maximum ground floor elevation (*Sec. 2.10.11.B. Finished Floor Elevation*) required by the zoning district.

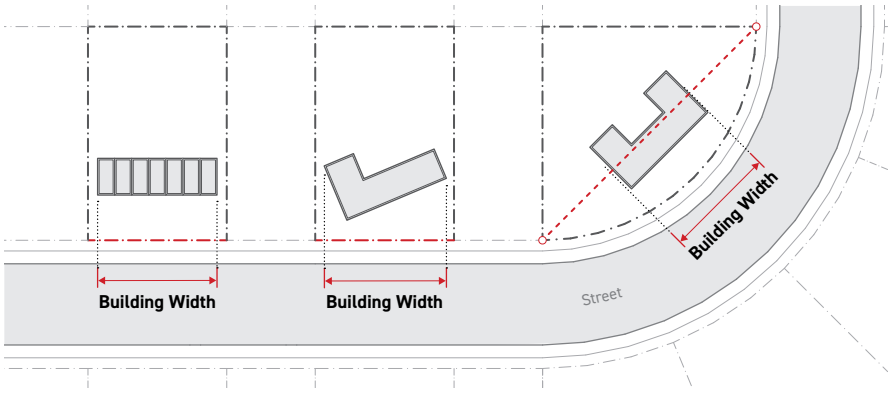
### 3. Standards

a. No building located on a lot may be wider than the maximum building width allowed by the zoning district.

b. Two buildings may abut one another provided that they have no shared components and are structurally independent from one another.

### 4. Measurement

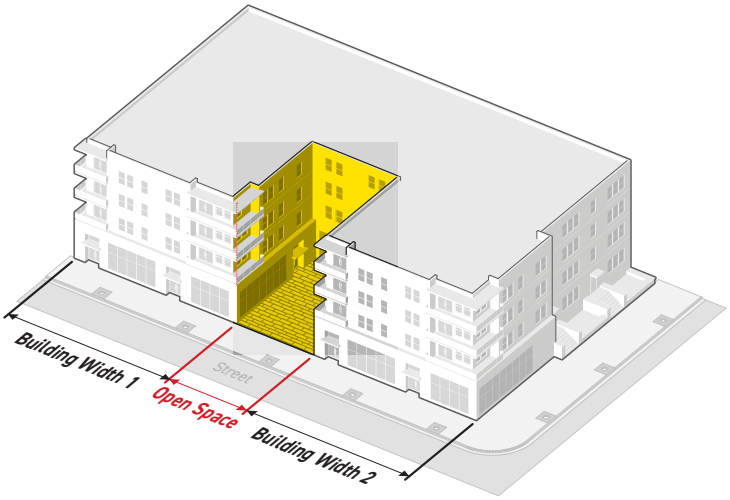
Building width is measured horizontally and parallel to each abutting primary street or side street lot line from one end of a building to the opposite end.



## 5. Exceptions

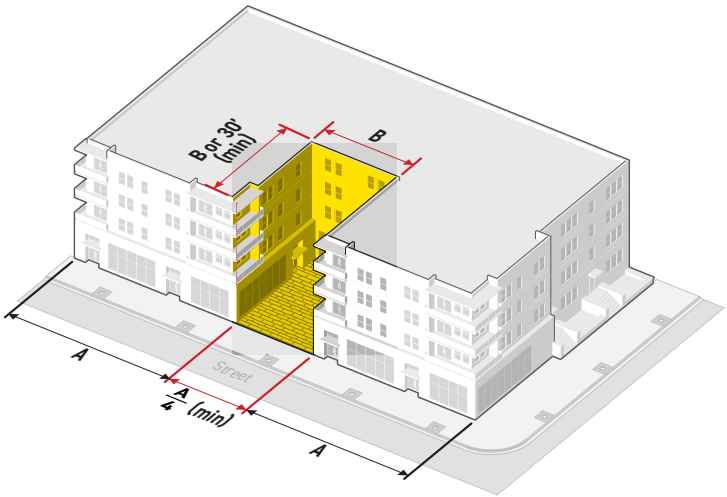
An open space meeting the following standards may be used to establish a continuous structure as effectively separate buildings for the purpose of meeting a maximum building width requirement:

a. A maximum of one open space exception is allowed for each building.




b. The width of the open space must be no less than 1/4 the width of the widest adjacent building width provided.

c. The depth of the open space must be at least equal to the width of the open space or 30 feet, whichever is less.




d. The open space must meet the standards in *Sec. 2.10.4.C. Outdoor Amenity Space*.

## B. Active Depth

*The horizontal depth of a building that must contain active spaces.*

### 1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by minimizing the impact of inactive spaces on the public realm and to promote a comfortable, safe, engaging, and attractive build environment.

### 2. Applicability

a. Active depth standards apply to the portions of a building used to meet the minimum build-to width requirement. See *2.10.6. Build-To*.

b. On primary streets, the active depth applies to all stories.

c. On side streets, the active depth requirement applies to the ground story only.

d. Lots with 1 dwelling unit do not have to meet the active depth requirements.

### 3. Standards

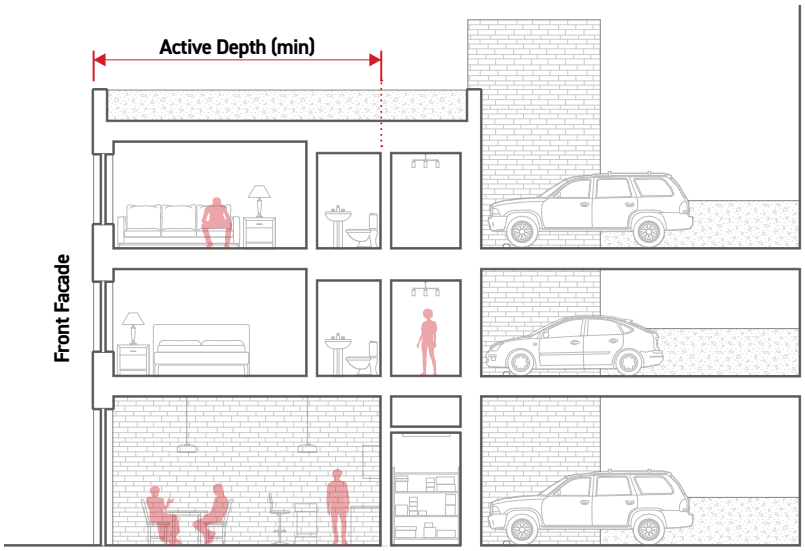
a. Applicable portions of a building must provide the minimum active depth required by the zoning district.

b. No more than 20% of the floor area of the required active depth may be used for inactive spaces such as storage, hallways, stairwells, elevators, and equipment rooms.

c. Vehicle parking spaces and motor vehicle use areas are not allowed in any portion of the required active depth.

### 4. Measurement

Active depth is measured from the front building facade inward to the interior of the building.



# 2.10.11. Ground Story

## A. Ground Story Height

*The floor-to-floor height of the story of a building having its finished floor elevation nearest to finished grade.*

### 1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by promoting high-quality ground-story spaces that are adaptable and appropriate to their intended use and surrounding context.

### 2. Applicability

a. Ground story height standards apply to all buildings that contain active spaces on the ground story. The ground story is determined according to *2.10.9. Height*.

b. Where a zoning district regulates ground story height differently for residential and nonresidential uses, residential standards apply to all residential uses, and nonresidential standards apply to nonresidential uses.

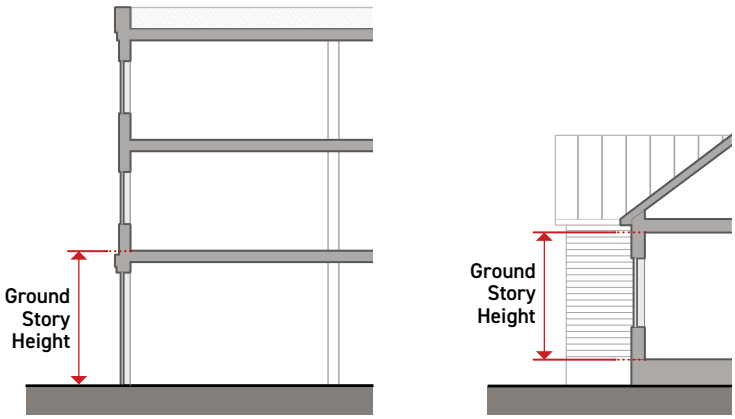
### 3. Standards

The ground story height may be no lower than the minimum ground story height required by the zoning district.

### 4. Measurement

a. Ground story height is measured from the top of the finished floor of the ground story to the top of the finished floor of the story above.

b. Where there is no story above, ground story height is measured from the top of the finished floor to the bottom of the roof structure above.



## B. Finished Floor Elevation

*The height of the finished floor associated with the story of a building having its finished floor elevation nearest to finished grade.*

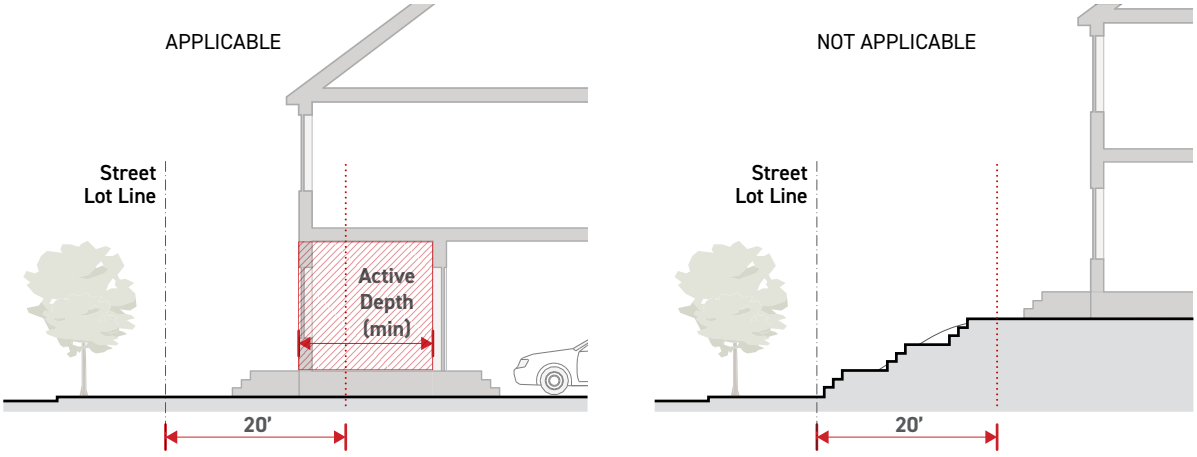
### 1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by promoting "eyes on the street," increase the perception of safety, and encourage visual connections between the public realm and the exterior of the building.

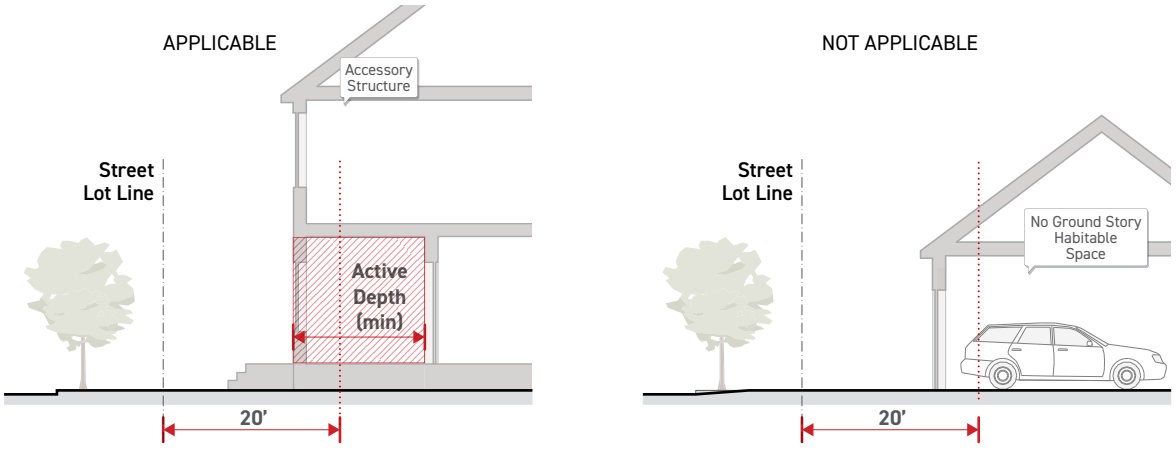
### 2. Applicability

a. The finished floor elevation standards apply to all buildings that contain active spaces on the ground story and that are located within 20 feet of a primary street or side street lot line.

b. Where a zoning district regulates active depth, the finished floor elevation standards apply only to the required ground floor active depth.




c. The finished floor elevation standards do not apply to accessory structures, unless the ground story of the accessory structure contains active spaces for a dwelling unit.



d. Where a zoning district regulates finished floor elevation differently for residential and nonresidential uses, residential standards apply to all residential uses, and nonresidential standards apply to nonresidential uses.

### 3. Standards

a. All applicable ground stories must have a finished floor surface meeting the following standards:

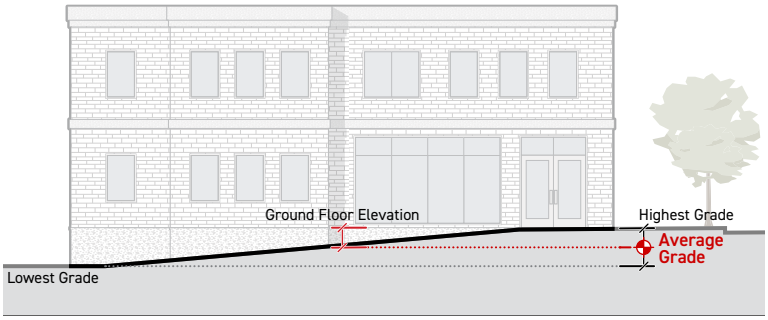
i. An elevation no lower than the minimum finished floor elevation required by the zoning district.

ii. An elevation no higher than the maximum finished floor elevation required by the zoning district.

b. Finished floor elevation for nonresidential floor area in a residential building, such as a lobby, gym, or office, may be reduced to 0 feet.

### 4. Measurement

Finished floor elevation is measured from average grade to the top of the finished floor of the ground story. On corner sites, for the purpose of determining finished floor elevation, average grade must be established independently for each street-facing building facade. Average grade is measured according to *Sec. 2.10.1.G. Average Grade*.



# 2.10.12. Transparency

## A. Ground Story and Upper Story Transparency

*The amount of transparent area on a building facade.*

### 1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by ensuring projects are designed with ground story windows that provide visual interest along the street by encouraging visual connections between the sidewalk and the interior of the building, and upper story windows that contribute to the established architectural character of surrounding neighborhoods or districts.

### 2. Applicability

Ground story and upper story transparency standards apply to primary and side street-facing building facades only. The ground story is determined according to *2.10.9. Height*. Any additional stories above the ground story are to be considered an upper story.

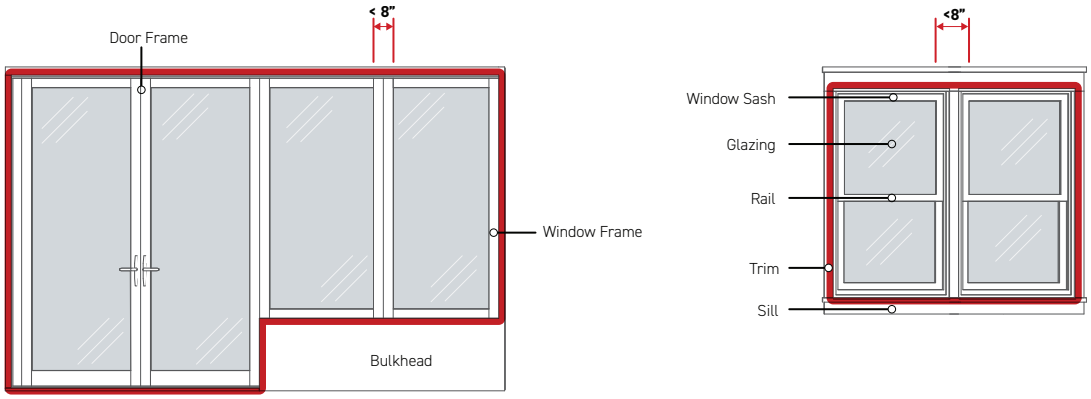
### 3. Standards

a. Applicable ground and upper story building facades must meet the minimum transparency of the zoning district.

b. To be considered transparent area, window and door glazing must meet the following requirements:

| | Visible Light Transmittance | External Reflectance |
|---|---|---|
| **Ground story** | More than 60% | Less than 20% |
| **Upper story** | More than 30% | Less than 40% |

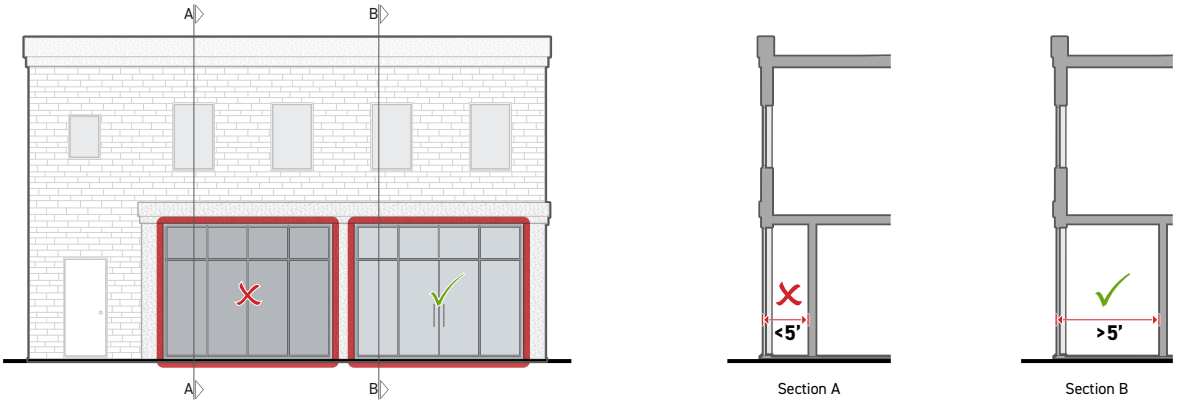
c. Muntins, mullions, window sashes, window and door frames, or window and door trim that are integral to window and door assemblies that are less than 8 inches wide may be considered transparent when calculating required percentages.




d. Windows and doors used to meet the transparency requirements may be temporarily covered by operable window treatments, such as curtains or blinds.

e. Windows and doors obscured by fixed exterior facade screens may count toward transparent area, provided no more than 25% of the total transparent area is covered for any individual window or door opening counting toward transparent area.

f. Interior walls and other permanent interior visual obstructions cannot be located within 5 feet of the window or door opening used to meet the transparency requirement.




g. Ground story windows and doors obscured by interior security gates, window signs, and window displays located less than 5 feet from the window opening may count toward transparent area, provided no more than 25% of the total transparent area is covered for any individual window or door opening counting toward transparent area.

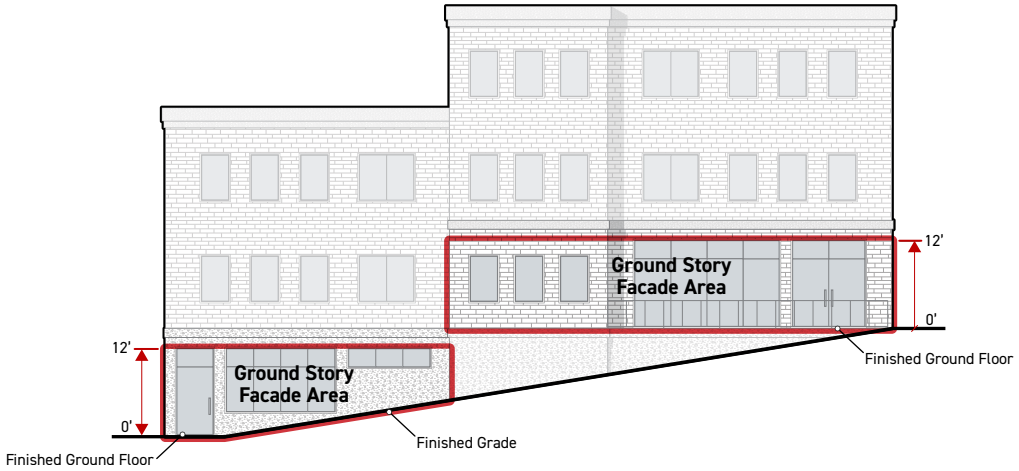
## 4. Measurement

### a. Ground Story

#### i. General

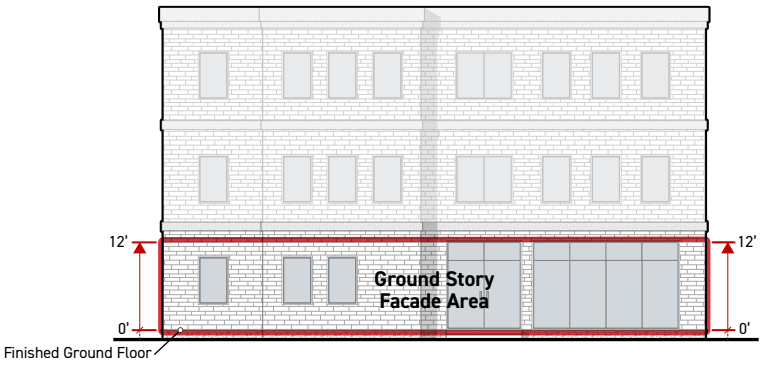
a) Ground story transparency is measured as a percentage calculated as the sum of all facade area meeting the measurement requirements for transparency, divided by the total applicable facade area.

b) No portion of a ground story located below finished grade is included in ground story facade area.




#### ii. Commercial Ground Story Transparency

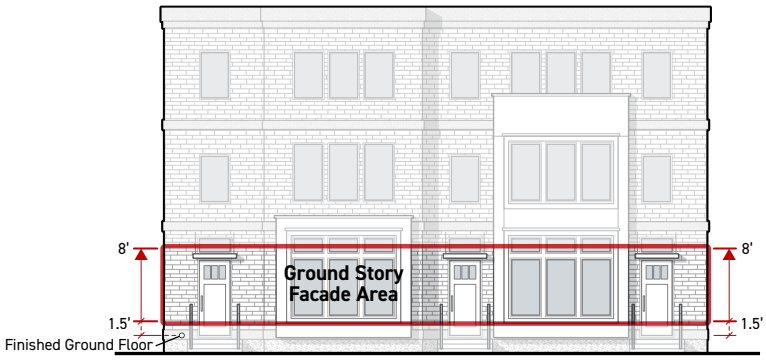
a) For the purpose of calculating transparency, commercial ground story facade area is measured between 0 and 12 feet above the top of the ground story finished floor elevation.




b) If the ground story height is less than 12 feet, ground story facade area is measured between the top of the finished floor of the ground story and the top of the finished floor of the story above. When there is no story above, it is measured to the bottom of the roof structure above.

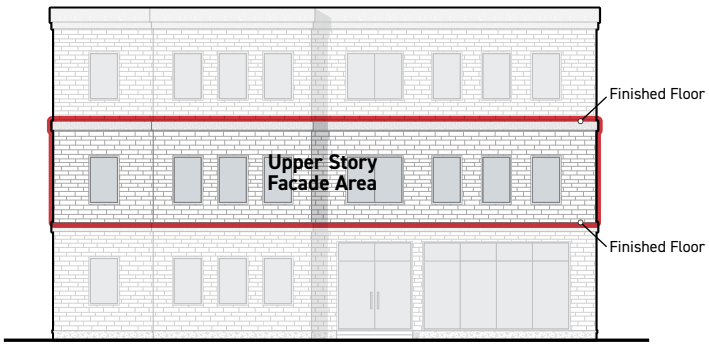
iii. **Residential and Non-Commercial Ground Floor Transparency**

Ground story facade area is measured between 1.5 and 8 feet above the top of the ground story finished floor elevation.




b. **Upper Stories**

i. For the purpose of calculating upper story transparency, upper story facade area is measured as the portion of the facade area between the top of the finished floor for that story and the top of the finished floor above. When there is no story above, it is measured to the bottom of the roof structure above.




ii. Upper story transparency is measured separately for each individual story of a building facade above the ground floor.

## B. Blank Wall Width

*The width of ground story facades and foundation walls without window or door openings.*

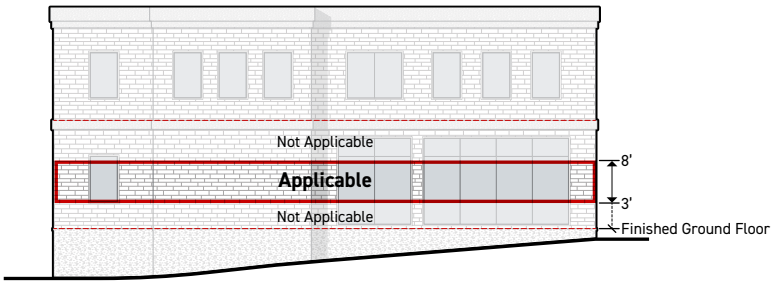
### 1. Intent

To provide visual interest and activation along the public realm by limiting the area without visual or physical connections between the public realm and the interior of a building.

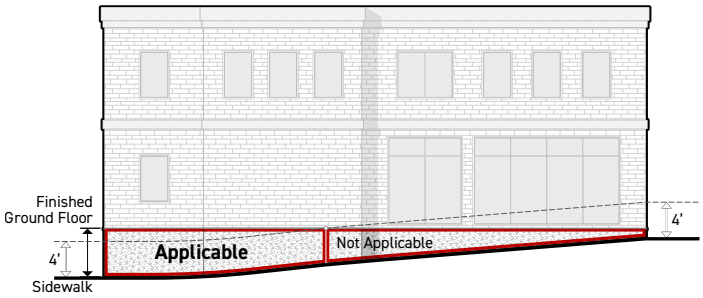
### 2. Applicability

Blank wall standards apply to the following:

a. Street-facing facades between 3 and 8 feet from the finished floor elevation of the ground story, measured vertically.




b. All portions of foundation walls on street-facing building facades that are exposed 4 feet in height or greater above finished grade. If foundation walls are set back more than 10 feet from a sidewalk, exposed height is measured from the lowest elevation of finished grade within 5 feet, measured from and perpendicular to the foundation wall.




### 3. Standards

#### a. General

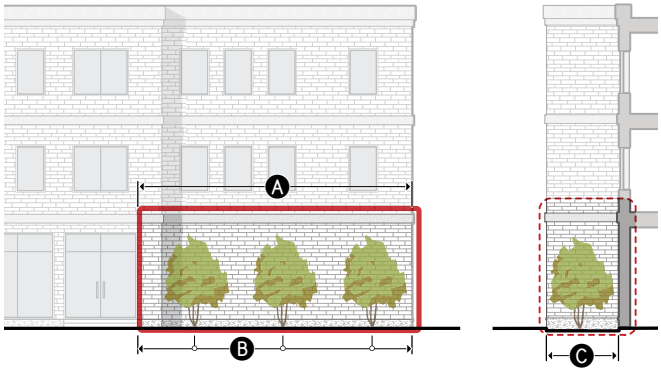
Windows and doors meeting the standards of *2.10.12.A. Ground Story and Upper Story Transparency* on applicable ground story facades or foundation walls may be separated by a distance no greater than the maximum blank wall width specified by the zoning district.

b. **Ground Story Facade Blank Wall Treatments**

Ground story facades that exceed the maximum allowed blank wall width may apply one or more of the following blank wall treatments and increase the allowed blank wall width by 100%.

## SMALL OR MEDIUM TREES

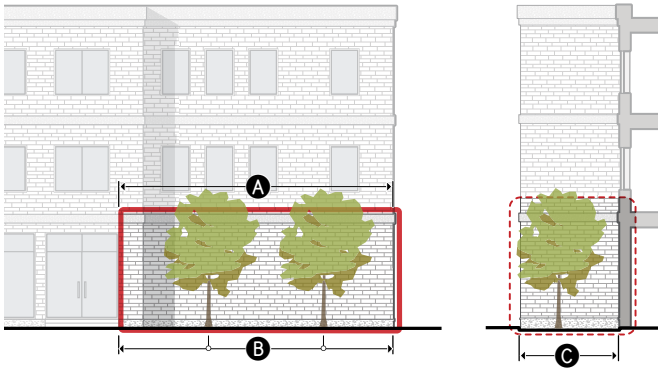
Small trees planted between a ground story facade with no window or door openings and the public realm.




| DIMENSIONAL STANDARDS | | |
|---|---|---|
| A | Treatment width (min % of blank wall width) | 100% |
| | Tree type | Small or Medium |
| B | Planting frequency (min avg.) | 5 per 100' |
| C | Planting area depth (min) | 7' |

## LARGE TREES

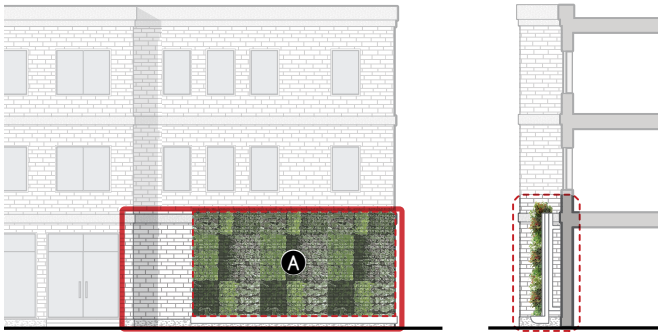
Large trees planted between a ground story facade with no window or door openings and the public realm.




| DIMENSIONAL STANDARDS | | |
|---|---|---|
| A | Treatment width (min % of blank wall width) | 100% |
| | Tree type | Large |
| B | Planting frequency (min avg.) | 3 per 100' |
| C | Planting area depth (min) | 15' |

## LIVING WALL

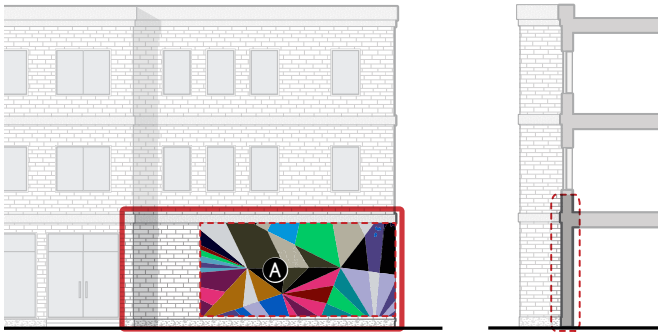
A permanently fixed assembly located between a ground story facade with no window or door openings and the public realm that supports plants, their growing medium, and irrigation.




| DIMENSIONAL STANDARDS | |
|---|---|
| A Treatment area (min % of blank facade area) | 75% |

## PUBLIC ART

A noncommercial image attached to the blank wall and is sufficiently different from the building facade. Public art must be reviewed by the Administrator to confirm any mural or art display is not considered a sign.



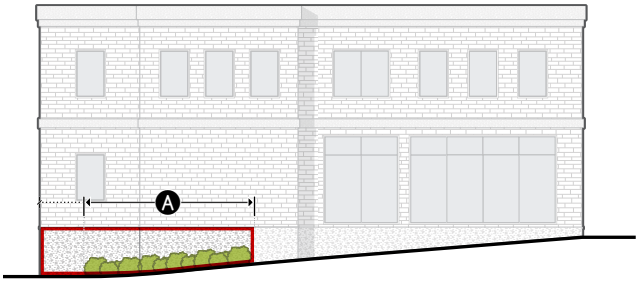

| DIMENSIONAL STANDARDS | |
|---|---|
| A Treatment area (min % of blank facade area) | 75% |

C. **Blank Foundation Wall Treatments**

Foundation walls that exceed the maximum allowed blank wall width may apply one or more of the following blank foundation wall treatments and increase the allowed blank wall width by 100%.

## FOUNDATION PLANTING

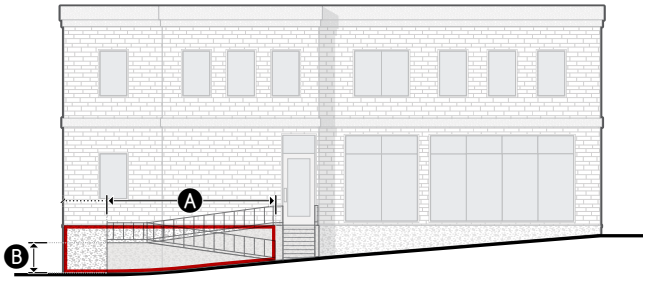
Screening plants located between a foundation wall with no window or door openings and the public realm.




| DIMENSIONAL STANDARDS | |
|---|---|
| A Treatment width (min % of blank wall width) | 75% |
| Plant type | Screening plant |
| Planting frequency (min avg.) | 3 per 10' |
| Planting area depth (min) | 3' |

## PEDESTRIAN ACCESS

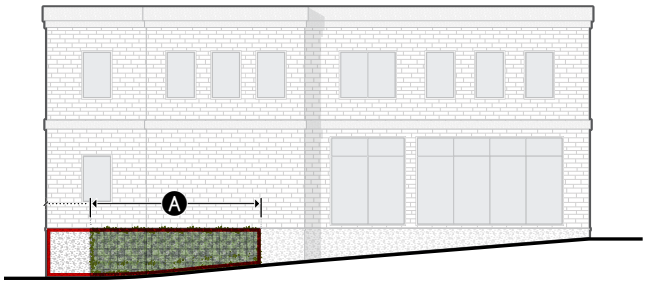
Stairs or ramps providing pedestrian access to a street-facing entrance located between a foundation wall with no window or door openings and the public realm.




| DIMENSIONAL STANDARDS | |
|---|---|
| A Treatment width (min % of blank wall width) | 75% |
| B Height above sidewalk (max) | 4' |

## LIVING WALL

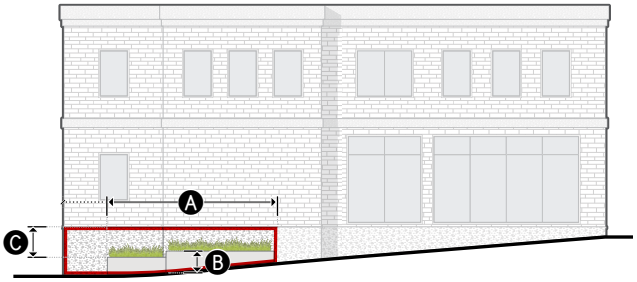
A structure permanently attached to a foundation wall with no window or door openings that supports climbing plants.




| DIMENSIONAL STANDARDS | | |
|---|---|---|
| A | Treatment area (min % of blank foundation wall area) | 75% |
| | Planting area depth (min) | 1.5' |

## ~~PLANTER~~

~~Permanent structure containing plants and their growing medium located between a foundation wall with no window or door openings and the public realm.~~



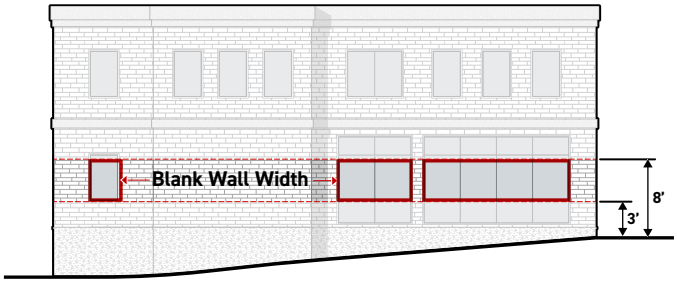

| ~~DIMENSIONAL STANDARDS~~ | | |
|---|---|---|
| ~~A~~ | ~~Treatment area (min % of blank foundation wall area)~~ | ~~75%~~ |
| | ~~Planting area depth (min)~~ | ~~2.5'~~ |
| ~~B~~ | ~~Height above sidewalk (min)~~ | ~~4'~~ |
| ~~C~~ | ~~Foundation wall reveal (max)~~ | ~~2'~~ |

## 4. Measurement

### a. General

i. Blank wall width is measured horizontally along a street lot line for any width of ground story facade that does not include transparency between 3 and 8 feet above finished floor elevation.

ii. Blank wall width is measured from the edge of a window or door to the edge of an adjacent window or door, or to the edge of the building.




### b. Blank Wall Treatments

#### i. Treatment Width

Minimum treatment width is measured as a percentage, calculated as the cumulative width of blank wall treatments divided by the total length of blank wall width.

#### ii. Treatment Area

Minimum treatment area is measured as a percentage, calculated as the cumulative area of blank wall treatments divided by the total applicable facade area within the blank wall width.

#### iii. Tree Type

See *Div. 4.9. Landscaping* for small or medium and large tree planting requirements.

#### iv. Plant Type

See *Div. 4.9. Landscaping* for screening plant planting requirements.

#### v. Planting Frequency

Planting frequency is measured as a ratio of the minimum number of plants required along the total length of the blank wall width. A minimum of one plant of the required plant type must be provided regardless of the width of blank wall treatment.

vi. **Planting Area Depth**

Minimum planting area depth is measured as the horizontal dimension of growing medium at the narrowest point, measured perpendicular to the applicable street lot line. The planting area must be open to the sky for at least the required planting area depth.

vii. **Height Above Sidewalk**

a) Height above sidewalk is measured vertically from adjacent sidewalk grade to the topmost point of the blank wall treatment.

b) For foundation walls located more than 10 feet from the sidewalk, maximum height above sidewalk is measured from the lowest elevation of finished grade to within 5 feet, measured from and perpendicular to the foundation wall, to the topmost point of the blank wall treatment.

viii. **Foundation Wall Reveal**

Foundation wall reveal is measured vertically from the top of an inactive wall treatment to the finished ground floor elevation along the entire treated portion of a blank foundation wall.

# 2.10.13. Entrances

## A. Street-Facing Entry Spacing

*A maximum distance between street-facing doors providing access from the public realm to the interior of a building.*

### 1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by providing visual interest along the public realm, orient buildings to the public realm, and promote greater use and activation of the public sidewalk by limiting distance without physical connections between the public realm and the interior of a building.

### 2. Applicability

a. Street-facing entry spacing requirements apply to all ground story street-facing facades.

b. The maximum street-facing entry spacing requirements must be met for each building and abutting buildings on a lot or within a project site, but are not applicable to buildings unrelated to the project.

c. Accessory structures do not have to provide a street-facing entry, and are not included in the calculation of maximum street-facing entry spacing requirement.

d. Lots with 1 dwelling unit do not have to provide street-facing entries.

### 3. Standards

a. A street-facing entry must be provided to meet the street-facing entry spacing requirements of the zoning district.

b. Street-facing entries must not be located farther apart than the maximum entry spacing allowed by the zoning district.

c. To qualify as a street-facing entry, building entrances must meet the following standards:

i. Be located on a street-facing ground story facade;

ii. Provide both ingress and egress pedestrian access to the ground story of the building;

iii. Remain operable at all times. Access may be controlled and limited to occupants; and

iv. Must access an occupiable space.

d. A primary street-facing entry is required for all buildings.

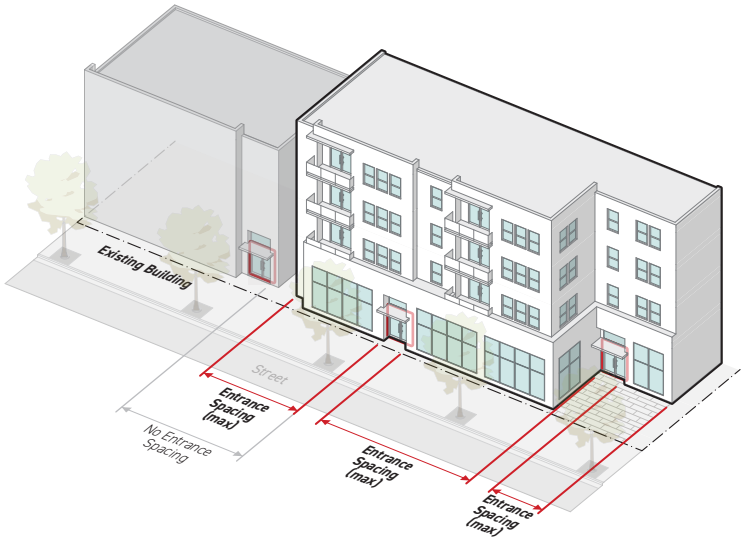
e. A side street-facing entry is only required when the building width along the side street is greater than the maximum entry spacing requirement for the zoning district.

f. On a corner lot, an angled entry at the corner of the building where the primary and side street-facing facades meet may be used to meet the requirement for a street-facing entry along both streets.

g. Non-required entries are allowed in addition to required entries.

### 4. Measurement

Entry spacing is measured horizontally and parallel to the street boundary line from the edge of a door to the edge of an adjacent door, or to the edge of the building.




## B. Entry Feature

*Improved design requirements applied to entrances along the public realm.*

### 1. Intent

To promote visual interest along the public realm, provide greater shelter and comfort to users, and highlight connections between the public and private realm to improve walkability.

### 2. Applicability

Entry feature standards apply to all required street-facing entrances where entry features are required by the zoning district.

### 3. Standards

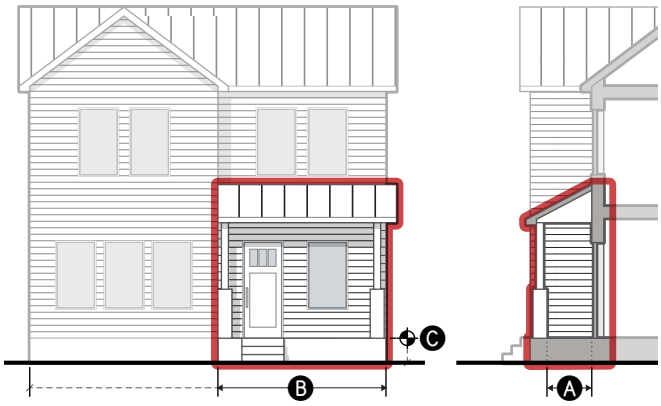
a. Any entry feature must face and be directly accessible from the public street along the applicable primary or side street lot line.

b. Any roof, canopy, or similar feature providing coverage for an entry feature must provide adequate protection from inclement weather for pedestrians using the entry.

c. An entry feature must meet all the standards of one of the following entry feature options:

## PORCH

A wide, raised platform, projecting in front of a street-facing entrance, that is entirely covered but not enclosed.

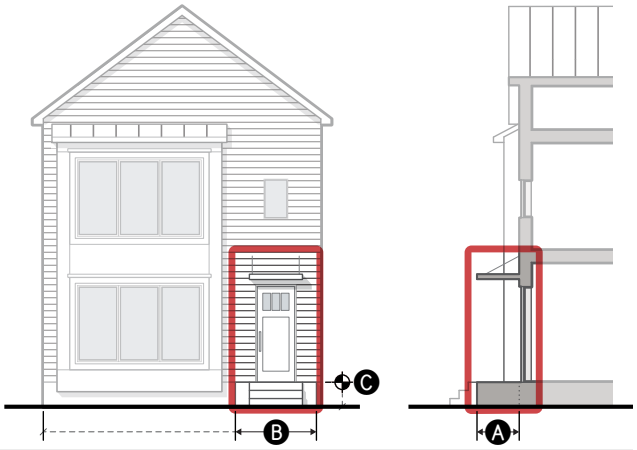



### DIMENSIONAL STANDARDS

| | | |
|---|---|---|
| A | Depth (min) | 5' |
| B | Width (min % of building width) | 30% |
| | Covered entrance | n/a |
| | Covered area (min) | 100% |
| C | ~~Finished floor elevation (min/max)~~ | ~~2' / 6'~~ |
| | Enclosure (max) | 50% |

## RAISED ENTRY

A raised platform accessed from an exterior staircase, providing covered access to a street-facing entrance.

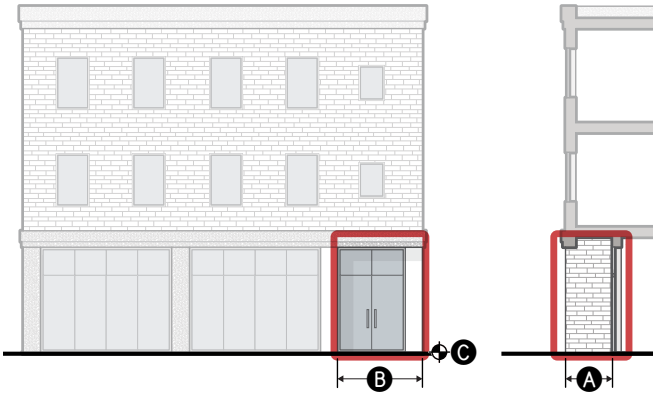



### DIMENSIONAL STANDARDS

| | | |
|---|---|---|
| A | Depth (min) | 3' |
| B | Width (min) | 4' |
| | Covered entrance | Required |
| | Covered area (min) | n/a |
| C | ~~Finished floor elevation (min/max)~~ | ~~2' / 6'~~ |
| | Enclosure (max) | 50% |

## RECESSED ENTRY

A space set behind the primary facade plane providing sheltered access to a street-facing entrance.




### DIMENSIONAL STANDARDS

| | | |
|---|---|---|
| A | Depth (min/max) | 3' / 15' |
| B | Width (min) | 5' |
| | Covered entrance | Required |
| | Covered area (min) | 100% |
| C | ~~Finished floor elevation (min/max)~~ | ~~-2' / 6'~~ |
| | Enclosure (max) | 75% |

## COVERED ENTRY

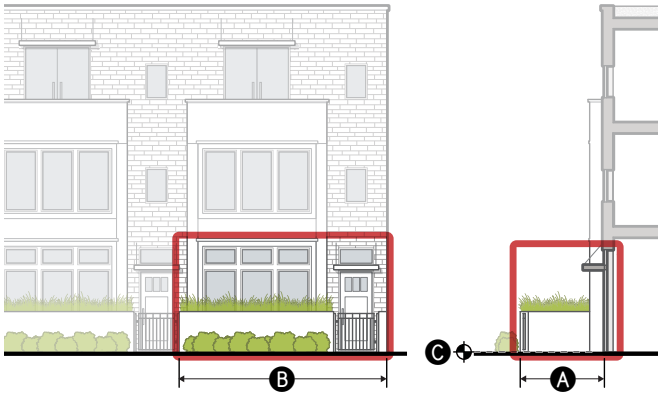
A space that provides sheltered access to an at-grade street-facing entrance with an overhead projecting structure.

### DIMENSIONAL STANDARDS

| | | |
|---|---|---|
| | Depth (min) | n/a |
| | Width (min) | n/a |
| | Covered entrance | Required |
| | Covered area (min) | n/a |
| A | ~~Finished floor elevation (min/max)~~ | ~~-2' / 6'~~ |
| | Enclosure (max) | 50% |

## FORECOURT

A yard screened with a short wall, fence or hedge that provides significant privacy for occupants located on the ground story, near sidewalk grade.




### DIMENSIONAL STANDARDS

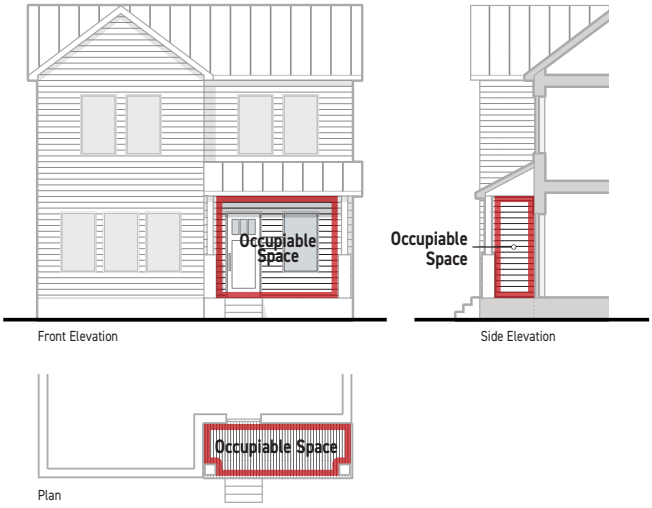
| | | |
|---|---|---|
| A | Depth (min) | 8' |
| B | Width (min) | 10' |
| | Covered entrance | Required |
| | Covered area (min) | n/a |
| C | ~~Finished floor elevation (min/max)~~ | ~~-2' / 6'~~ |
| | Fence or wall height (min/max) | 2.5' / 4' |

## 4. Measurement

### a. General

i. An entry feature is measured for each required street-facing entry based on whether the design of a street-facing entry meets the standards of an allowed entry feature.

ii. Entry feature standards apply only to the occupiable portion of an entry feature, excluding structural elements such as walls, columns, or pillars. Stairs and ramps used to access the entry feature are not considered occupiable area for the purpose of meeting entry feature standards.




### b. Depth

Minimum depth is measured as the horizontal dimension at the narrowest point of an entry feature, perpendicular to the applicable street lot line.

### c. Width

i. When specified in feet, width is measured as the total width of an entry feature, measured parallel to the applicable street lot line.

ii. When specified as a percentage, width is measured as the total width of the entry feature divided by the total width of the building that the entry provides access to, measured parallel to the applicable street lot line.

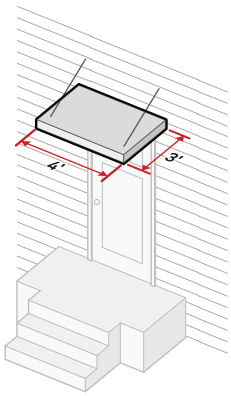
iii. When the calculation for an entry feature width percentage results in a fraction, the result is rounded up to the nearest whole number.

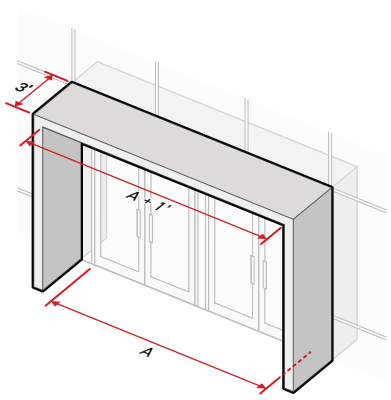
### d. Covered Entrance

i. When required as a part of an entry feature, a canopy, roof, or other sheltering structure must cover the exterior area immediately abutting the associated street-facing entry.

ii. The minimum depth of the covered area must be 3 feet.

iii. The minimum width of the covered area must be 4 feet or the width of the street-facing entry plus 1 foot, whichever is greater.




e. **Covered Area**

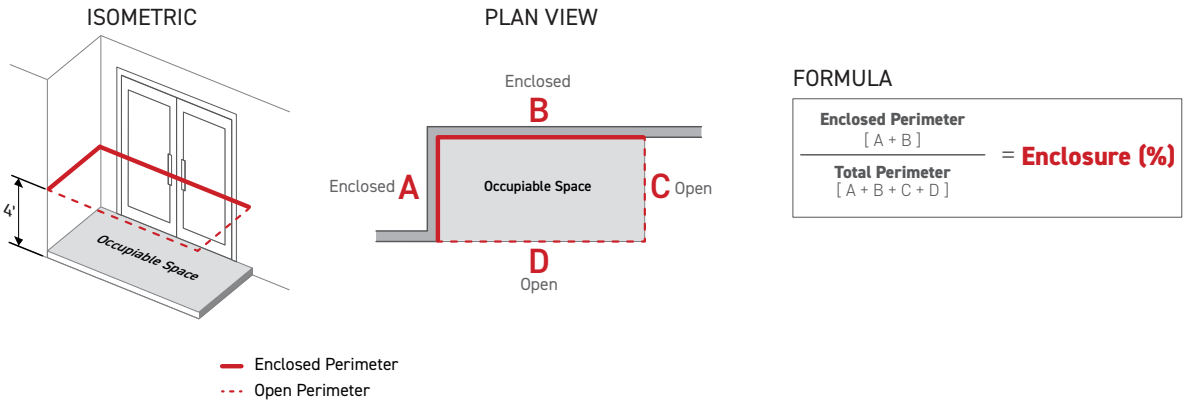
Covered area is measured as the portion of an entry feature area that is covered by a canopy, roof, or other sheltering structure, divided by the total entry feature area.

f. **Finished Floor Elevation**

Where a sidewalk exists within 10 feet of the entry feature, the finished floor elevation is measured from the average grade along the adjacent sidewalk to the top of the finished floor surface or ground surface of the entry feature. Average grade along the sidewalk is measured as described in *2.10.1.G. Average Grade*.

g. **Enclosure**

Enclosure is measured as a percentage calculated by measuring the linear distance around the occupiable space of the entry feature at a height of 4 feet, and dividing the enclosed portions of the perimeter by the total perimeter.



## 2.10.14. Fences and Walls

*Vertical structures separating the public realm from private property.*

For requirements see *4.8.1. Fences and Walls*.

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ARTICLE 3.

# USE REGULATIONS


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# DIV. 3.1. OPENING PROVISIONS

## 3.1.1. Applicability

A. Use requirements apply based on the types of project activities proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, an expansion of an existing use may include both an addition and a facade modification).

| | | PROJECT ACTIVITY | | | | | | |
|---|---|---|---|---|---|---|---|---|
| USE REQUIREMENTS | | New Construction | Addition | Site Modification | Facade Modification | Change of Use | Renovation | Maintenance and Repair |
| Use Permissions | *Div. 3.2* | ● | ● | ● | ○ | ● | ● | ○ |
| Use Definitions | *Div. 3.3* | ● | ● | ● | ○ | ● | ● | ○ |
| Use Standards | *Div. 3.4* | ● | ● | ● | ○ | ● | ● | ○ |
| Accessory Uses and Structures | *Div. 3.5* | ● | ● | ● | ○ | ● | ● | ○ |
| Temporary Uses and Structures | *Div. 3.6* | ● | ● | ● | ○ | ● | ● | ○ |

**KEY:** ● = Standards generally apply ○ = Standards do not apply

B. Project activities are defined in *7.1.2. General Terminology and Measurements*.

C. Where a Division is listed as applying, the project activity must meet all applicable use requirements within that Division. The applicable standards may be modified by *Div. 5.3. Nonconformities*.

# DIV. 3.2. USE PERMISSIONS

## 3.2.1. Use Table Key

### A. Use Table Key

1. **Allowed Uses**

   a. P = A by-right allowed use.

   b. P* = A by-right allowed use, provided it meets the use standards in the right-hand column of the use table.

2. **Discretionary Allowed Uses**

   a. S = A use that is allowed only with a Special Use Permit.

   b. S* = A use that is allowed only with a Special Use Permit, provided it also meets the use standards in the right-hand column of the use table.

3. **Uses Not Allowed**

   - = A use that is not allowed.

### B. Use Size Restrictions

1. Size restrictions expressed as square feet (SF) in the use table refer to gross floor area per tenant.
2. Size restrictions expressed as acreage in the use table refer to the total area of the site.

# 3.2.2. Permitted Use Table

| Use Category<br>Specific Use | Residential | | | | Residential Mixed Use | | Corridor Mixed Use | | | Node Mixed Use | | | | | Industrial Mixed Use | | Special | | Use Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | R-A | RN-A | R-B | R-C | RX-3 | RX-5 | CX-3 | CX-5 | CX-8 | NX-3 | NX-5 | NX-8 | NX-10 | DX | IX-5 | IX-8 | CV | CM | |
| **RESIDENTIAL USES** | | | | | | | | | | | | | | | | | | | |
| **Household Living** | | | | | | | | | | | | | | | | | | | |
| General household living | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | P | |
| Manufactured home park | - | - | S* | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | - | 3.4.2. |
| **Group Living** | | | | | | | | | | | | | | | | | | | |
| General group living (up to 8 residents) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | P | |
| General group living (8+ residents) | S | S | S | S | P | P | P | P | P | P | P | P | P | P | P | P | - | P | |
| Adult assisted living (up to 8 residents) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | P | |
| Adult assisted living (8+ residents) | S | S | S | S | P | P | P | P | P | P | P | P | P | P | P | P | - | P | |
| Residential treatment facility (up to 8 residents) | P* | P* | P* | P* | P* | P* | P | P | P | P | P | P | P | P | P | P | - | P | 3.4.2. |
| Residential treatment facility (8+ residents) | S* | S* | S* | S* | P* | P* | P | P | P | P | P | P | P | P | P | P | - | P | 3.4.2. |
| **PUBLIC AND INSTITUTIONAL USES** | | | | | | | | | | | | | | | | | | | |
| **Civic** | | | | | | | | | | | | | | | | | | | |
| General civic | S | S | S | S | S | S | P | P | P | P | P | P | P | P | P | P | P | P | |
| Religious assembly | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Shelter | - | - | - | - | S | S | P | P | P | P | P | P | P | P | S | S | P | P | |
| Criminal justice facility | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | - | |
| **Day Care** | | | | | | | | | | | | | | | | | | | |
| Day care center (1 to 12 persons) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Day care center (12+ persons) | S | S | S | S | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| **Education** | | | | | | | | | | | | | | | | | | | |
| General Education | S | S | S | S | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| College, university or vocational school | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | |
| **Parks & Open Space** | | | | | | | | | | | | | | | | | | | |
| General parks and open space | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Cemetery | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | S | |

**KEY:** P = Use permitted by right S = Special Use Permit required * = Use standards apply - = Use not allowed

| Use Category<br>Specific Use | Residential | | | | Residential Mixed Use | | Corridor Mixed Use | | | Node Mixed Use | | | | | Industrial Mixed Use | | Special | | Use Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | R-A | RN-A | R-B | R-C | RX-3 | RX-5 | CX-3 | CX-5 | CX-8 | NX-3 | NX-5 | NX-8 | NX-10 | DX | IX-5 | IX-8 | CV | CM | |
| **Utilities** | | | | | | | | | | | | | | | | | | | |
| Utility, major | - | - | - | - | - | - | S | S | S | S | S | S | S | S | P | P | P | P | |
| Utility, minor | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Communication facility, attached (utility pole or not visible) | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | *3.4.3* |
| Communication facility, attached (visible) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P* | P* | P* | P* | *3.4.3* |
| Communication facility, tower | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P* | P* | - | - | *3.4.3* |
| **COMMERCIAL USES** | | | | | | | | | | | | | | | | | | | |
| **Entertainment & Recreation** | | | | | | | | | | | | | | | | | | | |
| General indoor entertainment and recreation (up to 4,000 SF) | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | S | P | |
| General indoor entertainment and recreation (4,000+ SF) | - | - | - | - | - | - | - | P | P | - | P | P | P | P | P | P | S | P | |
| General outdoor entertainment and recreation | S | S | S | S | - | - | - | S | S | - | S | P | P | P | P | P | P | P | |
| Club, private | - | - | S* | S* | S* | S* | P | P | P | P | P | P | P | P | P | P | P | P | *3.4.4* |
| Electronic gaming café | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | - | - | - | |
| Golf course | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Golf driving range | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | - | - | |
| **Food & Beverage** | | | | | | | | | | | | | | | | | | | |
| General food and beverage (up to 4,000 SF) | S* | S* | S* | S* | P* | P* | P | P | P | P | P | P | P | P | P | P | - | P | *3.4.4* |
| General food and beverage (4,000+ SF) | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | - | P | |
| Micro-producer | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | - | - | |
| Small brewery | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | - | - | |
| **Lodging** | | | | | | | | | | | | | | | | | | | |
| General lodging (up to 10 guest rooms) | - | - | S | S | P* | P* | P | P | P | P | P | P | P | P | P | P | - | P | *3.4.4* |
| General lodging (+10 guest rooms) | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | - | P | |

**KEY:** P = Use permitted by right S = Special Use Permit required * = Use standards apply - = Use not allowed

| Use Category<br>Specific Use | Residential | | | | Residential Mixed Use | | Corridor Mixed Use | | | Node Mixed Use | | | | | Industrial Mixed Use | | Special | | Use Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | R-A | RN-A | R-B | R-C | RX-3 | RX-5 | CX-3 | CX-5 | CX-8 | NX-3 | NX-5 | NX-8 | NX-10 | DX | IX-5 | IX-8 | CV | CM | |
| **Medical** | | | | | | | | | | | | | | | | | | | |
| General medical (up to 4,000 SF) | S* | S* | S* | S* | P* | P* | P | P | P | P | P | P | P | P | P | P | P | P | 3.4.4 |
| General medical (4,000+ SF) | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | |
| Hospital | - | - | - | - | - | - | - | S | S | - | - | S | S | - | S | S | P | P | |
| Medical laboratory (up to 4,000 SF) | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | |
| Medical laboratory (4,000+ SF) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | |
| **Office** | | | | | | | | | | | | | | | | | | | |
| General Office (up to 4,000 SF) | S* | S* | S* | S* | P* | P* | P | P | P | P | P | P | P | P | P | P | P | P | 3.4.4 |
| General Office (4,000+ SF) | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | |
| **Parking** | | | | | | | | | | | | | | | | | | | |
| Commercial surface parking | - | - | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.4.4 |
| Commercial structured parking | - | - | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.4.4 |
| Remote parking | - | - | - | - | S* | S* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.4.4 |
| **Personal Service** | | | | | | | | | | | | | | | | | | | |
| General personal service (up to 4,000 SF) | S* | S* | S* | S* | P* | P* | P | P | P | P | P | P | P | P | P | P | - | P | 3.4.4 |
| General personal service (4,000+ SF) | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | - | P | |
| Animal Care, outdoor | - | - | - | - | - | - | - | P | P | - | - | S | - | - | P | P | - | - | |
| Gym or studio | S* | S* | S* | S* | P* | P* | P | P | P | P | P | P | P | P | P | P | P | P | 3.4.4 |
| **Retail** | | | | | | | | | | | | | | | | | | | |
| General retail (up to 4,000 SF) | S* | S* | S* | S* | P* | P* | P | P | P | P | P | P | P | P | P | P | - | P | 3.4.4 |
| General retail (4,000+ SF) | - | - | - | - | P* | P* | P | P | P | P | P | P | P | P | P | P | - | P | 3.4.4 |
| Artisan workshop | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | - | P | |
| Farmer's market | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | |
| Greenhouse or nursery | - | - | - | - | - | - | S | - | - | S | - | - | - | - | P | P | P | P | |

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| Use Category<br>Specific Use | Residential | | | | Residential Mixed Use | | Corridor Mixed Use | | | Node Mixed Use | | | | | Industrial Mixed Use | | Special | | Use Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | R-A | RN-A | R-B | R-C | RX-3 | RX-5 | CX-3 | CX-5 | CX-8 | NX-3 | NX-5 | NX-8 | NX-10 | DX | IX-5 | IX-8 | CV | CM | |
| **Transportation** | | | | | | | | | | | | | | | | | | | |
| Passenger terminal | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | |
| Helipad | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | |
| **Vehicle Sale & Service** | | | | | | | | | | | | | | | | | | | |
| Vehicle repair or service (up to 1 acre) | - | - | - | - | - | - | P | P | - | - | - | - | - | - | P | P | - | - | |
| Vehicle repair or service (1+ acres) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | - | |
| Vehicle sale or rental | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | - | |
| Fueling station | - | - | - | - | - | - | P | P | - | P* | P | P | - | - | P | P | - | - | *3.4.4* |
| **INDUSTRIAL USES** | | | | | | | | | | | | | | | | | | | |
| **Industrial & Manufacturing** | | | | | | | | | | | | | | | | | | | |
| Bakery, wholesale (up to 4000 SF) | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | - | - | |
| Bakery, wholesale (4000+ SF) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | - | |
| Low-impact industrial and manufacturing (up to 4000 SF) | - | - | - | - | - | - | P | P | - | P | P | P | - | - | P | P | - | P | |
| Low-impact industrial and manufacturing (4000+ SF) | - | - | - | - | - | - | S | S | - | S | S | S | - | - | P | P | - | P | |
| High-impact industrial and manufacturing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | - | - | |
| Research and development | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | P | |
| **Warehouse & Distribution** | | | | | | | | | | | | | | | | | | | |
| General warehouse and distribution (up to 25,000 SF) | - | - | - | - | - | - | P* | P* | - | P* | P* | - | - | - | P* | P* | - | - | *3.4.5* |
| General warehouse and distribution (25,000+ SF) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P* | P* | - | - | *3.4.5* |
| Data center | - | - | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | P* | P | P | - | P | *3.4.5* |
| Distribution storage yard | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P* | P* | - | - | *3.4.5* |
| Recycling drop-off center | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | - | |
| Self-service storage | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | - | |
| Vehicle storage yard | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P* | P* | P* | - | *3.4.5* |

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| Use Category<br>Specific Use | Residential | | | | Residential Mixed Use | | Corridor Mixed Use | | | Node Mixed Use | | | | | Industrial Mixed Use | | Special | | Use Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | R-A | RN-A | R-B | R-C | RX-3 | RX-5 | CX-3 | CX-5 | CX-8 | NX-3 | NX-5 | NX-8 | NX-10 | DX | IX-5 | IX-8 | CV | CM | |
| **ACCESSORY USES** | | | | | | | | | | | | | | | | | | | |
| Alcohol sales for on-premise consumption | P* | P* | P* | P* | P* | P* | P | P | P | P | P | P | P | P | P | P | - | P | 3.5.2 |
| Drive-through | - | - | - | - | - | - | P* | P* | - | P* | P* | P* | - | - | P* | P* | - | - | 3.5.2 |
| Family day home | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Home occupation | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | 3.5.2 |
| Homestay | P* | P* | P* | P* | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 3.5.2 |
| Outdoor dining | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | 3.5.2 |
| Outdoor display | - | - | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | 3.5.2 |
| Outdoor entertainment | - | - | - | - | - | - | - | P* | P* | - | P* | P* | P* | P* | P* | P* | - | P* | 3.5.2 |
| Outdoor storage | - | - | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | 3.5.2 |
| Solar energy system | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.5.2 |
| **TEMPORARY USES** | | | | | | | | | | | | | | | | | | | |
| Temporary outdoor assemblies | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.6.2 |
| Temporary outdoor sales | - | - | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.6.2 |
| Amusement enterprises | - | - | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.6.2 |
| Mobile food unit | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.6.2 |
| Temporary family health care structures | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.6.2 |
| Temporary construction yard | - | - | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.6.2 |
| Temporary surface parking lot | - | - | - | - | - | - | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | 3.6.2 |

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# DIV. 3.3. USE DEFINITIONS

## 3.3.1. Use Interpretations

A. Uses are organized by use category (such as Household Living or Group Living) and then by specific use within that category (such as General Household Living or Manufactured Home Park). Use categories are used to organize specific uses with similar attributes. Specific uses have permissions that determine if that use is allowed in a particular zoning district.

B. When a proposed use is not listed, the Administrator has the responsibility for determining whether the proposed use is similar to an already listed use. Where a use contains a list of included uses, the uses on the list are to be considered example uses, and not all-inclusive. The Administrator will first determine what use category the use is most similar to, and then determine the most similar specific use.

C. When a proposed use is found by the Administrator not to be similar to an already listed use, the use is not allowed.

D. When determining whether a proposed use is similar to an already listed use, the Administrator will consider the following criteria:

1. Actual or projected characteristics of the use.
2. Amount and nature of any nuisances generated by the use.
3. Type, size, nature and arrangement of buildings and structures.
4. Relative amount and types of sales.
5. Relative number of employees and customers.
6. Hours of operation.
7. Number of vehicle trips generated, types of vehicles, and parking demand.
8. Anticipated amount and type of outdoor storage.
9. Likely impact on adjacent properties.

E. Multiple principal uses are allowed on a lot when the uses are all allowed in the district and the standards for all uses on the lot may be met.

## 3.3.2. Residential Uses

### A. Household Living Use Category

Residential occupancy of a dwelling unit by a household. A household is considered one or more persons living together in a dwelling unit, with common access to, and common use of, all living, kitchen, and eating areas within the dwelling unit. Tenancy is arranged for 30 days or more. Household living is consolidated into the following specific uses:

### 1. General Household Living

Household living uses in a variety of building types. Typical examples include single unit homes, duplexes, multiplexes, townhomes, apartments and mixed-use buildings.

### 2. Manufactured Home Park

A site which contains or is intended for the long-term location of manufactured homes that may include services and facilities for the residents.

## B. Group Living Use Category

Residential occupancy of a building by a group of people that does not meet the definition of household living. Tenancy is arranged for 30 days or more. Generally, group living facilities have a common eating area for residents and residents may receive care, training or treatment.

### 1. General Group Living

Group living uses that provide for a variety of living facilities. Typical examples include boarding house, dormitory, fraternity or sorority house, monastery or convent, single-room-occupancy (SRO) housing, cooperative housing, group foster home, hospice, nursing home, and rehabilitation center.

### 2. Adult Assisted Living

A residential use in which aged, infirm or disabled adults reside, and for which the licensing authority is the Virginia Department of Social Services, or for which no state license is required. The use does not include the home or residence of an individual who cares only for persons related to them by blood or marriage. The use also does not include any facility licensed by the State Board of Health or the state Department of Behavioral Health and Development Services, or any other facility excluded from the definition of "assisted living facility," set forth within *Code of Virginia, § 63.2-100.*

### 3. Residential Treatment Facility

A residential use for which either the Department of Behavioral Health and Development Services, or in the case of a children's residential facility, as defined with *Code of Virginia § 63.2-100*, the Department of Social Services is the state licensing authority.

# 3.3.3. Public and Institutional Uses

## A. Civic Use Category

Uses that provide ongoing governmental, life safety, educational, and cultural services to the general public, uses that provide meeting areas for religious practice. Civic is consolidated into the following specific uses:

### 1. General Civic

Civic uses that provide general governmental, life safety and cultural services. Typical examples include community center, courthouse, fire station, library, municipal or government office, museum, and post office.

### 2. Religious Assembly

A use that provides meeting areas for religious activities, including facilities operated by a religious group and used for educational activities. Typical examples include church, chapel, mosque, temple, and synagogue.

### 3. Shelter

A use that provides temporary sleeping facilities for un-housed or displaced persons, typically for periods less than 30 days.

### 4. Criminal Justice Facility

A residential facility operated by the Department of Criminal Justice Services (DCJS), or a contractor of DCJS, or by a local criminal justice agency. Typical examples include juvenile detention facility, adult jail and correctional facility, halfway house, and similar residential accommodations for delinquent juveniles or adult offenders.

## B. Day Care Use Category

Uses that provide care, protection and supervision of children or adults on a regular basis in a facility away from their primary residence, primarily during daytime hours, for less than 24 hours per day.

### 1. Day Care Center

A use that provides care services to children or adults. Typical examples include childcare center, nursery school and drop-in center.

## C. Education Use Category

Uses that provide educational services to students. Education is consolidated into the following specific uses:

### 1. General Education

Education uses that provide education to students at the pre-kindergarten, kindergarten, elementary, middle, or high school level.

### 2. College, University or Vocational School

A use that provides post-secondary education to students. Typical examples include college or university, community college, seminary, and artistic or vocational school.

## D. Parks and Open Space Use Category

Uses that provide active or passive outdoor recreation. Typically, areas and facilities are publicly accessible and often contain recreational equipment or facilities. Parks and open space are consolidated into the following specific uses:

### 1. General Parks and Open Space

Parks and open space uses that provide for outdoor recreation to the general public. Typical examples include neighborhood, community or regional park; dog park; community or botanical

garden; conservation or preservation area; public square or plaza; and recreational trail, greenway, or multi-use path.

2. **Cemetery**

A use that provides for the interment of human or animal remains, but does not include cremation services. Typical examples include a cemetery for earth interments, a columbarium for cinerary interments, or a mausoleum for vault interments. Includes all uses necessarily or customarily associated with interment of human remains, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage consistent with federal, state, and local laws on erosion sediment control.

### E. Utility Use Category

Uses that generate and distribute utility services such as electricity, gas, sewer, water, cable and internet. Utility is consolidated into the following specific uses:

1. **Utility, Major**

A use that provides services of a regional nature that normally entail the construction of new buildings or structures. Typical examples include power generating plants and sources; electrical switching facilities, stations and substations; water and wastewater treatment plants; solar farms; and water towers.

2. **Utility, Minor**

A use that provides services that are necessary to support development within the immediate vicinity and that involve only minor structures. Typical examples include small facilities such as transformers, relay and booster devices; well water and sewer pump stations; stormwater retention and detention facilities; telephone exchanges; and surface transportation stops.

3. **Communication Facility**

Any antenna used by any commercial, governmental, public or quasi-public user. Where reference is made to a communications facility, unless otherwise specified or indicated by context, such reference will be deemed to include any base station, tower or other support structure on which the antenna or other communications equipment is mounted, any concealment element, and any attachment device and other equipment referenced within 47 C.F.R. § 4.0001(b)(1)(i), (ii), and any associated equipment shelter.

## 3.3.4. Commercial Uses

### A. Entertainment and Recreation Use Category

Uses that provide continuous or periodic entertainment or recreational activity. Entertainment and recreation are consolidated into the following specific uses:

1. **General Indoor Entertainment and Recreation**

Entertainment and recreation uses that operate primarily in an indoor setting and may only serve alcohol for on-premise consumption as an accessory use. Typical examples include amusement

center, arcade, arena, auditorium, bowling alley, cinema, concert or music hall, convention center, dance hall, event venue, ice or roller skating rink, indoor stadium, pool hall, and theater.

2. **General Outdoor Entertainment and Recreation**

   Entertainment and recreation uses that operate primarily in an outdoor setting and may only serve alcohol for on-premise consumption as an accessory use. Typical examples include amusement or water park; amphitheater; athletic complex; outdoor stadium; ballfields; basketball or tennis court; bicycle, skateboarding or roller blading facility; drive-in or outdoor theater; and miniature golf course.

3. **Club, Private**

   A use that provides meeting areas for membership organizations that hold regular meetings or events for dues-paying members and their guests.

4. **Electronic Gaming Café**

   Electronic gaming café means a business where persons utilize electronic machines to conduct games, contests, lotteries, schemes, or promotional offerings. The machines include, but are not limited to, computers and gaming terminals. Electronic gaming cafés do not include amusement centers, as defined in *7.1.2. General Terminology and Measurements*. The sale of Virginia Lottery tickets does not, by itself, establish an electronic gaming café.

5. **Golf Course**

   A use that provides for a large landscaped area for playing golf including support facilities and buildings, but does not include a golf driving range.

6. **Golf Driving Range**

   A use that provides a limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

## B. Food and Beverage Use Category

Uses that prepare and sell food and beverage for on- or off-premise consumption. Food and beverage are consolidated into the following specific uses:

1. **General Food and Beverage**

   Food and beverage uses that prepare and sell food or beverage and may only serve alcohol for on-premise consumption as an accessory use. Typical examples include bakery, catering facility, cafe, coffee and tea shop, commercial kitchen, fast food establishment, ice cream or yogurt shop, juice or smoothie bar, and restaurant.

2. **Micro-producer**

   A microbrewery, microwinery, or microdistillery, in which 25 percent or more of the facility's production is sold directly to the consumer on-site, within a retail shop, bar, tasting room, tap-room, restaurant, or other similar facility.

### 3. Small Brewery

A use that produces fewer than 30,000 barrels per year of beer, and sells directly to the consumer on-site within a retail shop, bar, tasting room, tap-room, restaurant, or other similar facility.

## C. Lodging Use Category

Uses with individual sleeping or living units that provide overnight accommodations to guests for short-term stays of less than 30 days.

### 1. General Lodging

Lodging uses that provide a variety short-term stay facilities. Typical examples include hotel, motel, inn, bed and breakfast, hostel, and extended stay facility.

## D. Medical Use Category

Uses that provide medical, surgical or dental care to patients such as the diagnosis, treatment, mitigation, cure or prevention of disease. Medical is consolidated into the following specific uses:

### 1. General Medical

Medical uses that administer human health care in a non-hospital, outpatient setting. Typical examples include medical office or clinic, dental office or clinic, acute care facility, ambulatory care facilities, optometrist, orthodontist, physical therapy office, surgical out-patient facility, and urgent care.

### 2. Hospital

A use that administers primarily in-patient, intensive, human medical or surgical care, including stand-alone emergency care services.

### 3. Medical Laboratory

A use that conducts medical research or testing and examining of materials derived from the human body, such as fluid, tissue or cells, for the purpose of providing information on diagnosis, treatment, mitigation, cure or prevention of disease. Includes compounding of drugs and chemicals, not involving sale directly to the public.

## E. Office Use Category

Uses characterized by activities conducted in a private or co-working setting and generally focusing on business, professional or financial services.

### 1. General Office

Office uses that provide space for a variety of business, professional or financial services to be conducted. Typical examples include accounting, advertising, architecture, auditing, banking, bookkeeping, consulting, contracting, design, employment, engineering, insurance, investment, legal, real estate, security or technology services; call centers; radio or TV broadcasting studio; and recording studio.

## F. Parking Use Category

Uses that provide parking as a principal use. Parking is consolidated into the following specific uses:

### 1. Commercial Surface Parking

A use that provides vehicle storage or parking on a surface lot, paved or unpaved, as a principal use.

### 2. Commercial Structured Parking

A use that provides vehicle storage and parking in a building or structure as a principal use.

### 3. Remote Parking

A use that provides vehicle storage and parking as a principal use that serves as off-site parking for another nearby use.

## G. Personal Service Use Category

Uses involved in providing personal care or repair services. Personal service is consolidated into the following specific uses:

### 1. General Personal Service

Personal service uses that provide a variety of personal care or repair services. Typical examples include barbershop, salon or spa; copy, printing or shipping service; indoor animal care; funeral home or mortuary without cremation service; laundromat, laundry drop-off facility or dry-cleaning that does not involve hazardous chemicals; massage therapist or acupuncturist; pawnshops; tailor, shoe repair or upholsterer; and tattoo or body piercing.

### 2. Animal Care, Outdoor

A use that provides overnight boarding of animals, or for the treatment of sick or injured animals by a person licensed in veterinary medicine or similar field, that includes outdoor facilities.

### 3. Gym or Studio

A use that provides for exercise and physical fitness activities. May include exercise equipment and space for dance, martial arts, pilates, yoga or other fitness classes.

## H. Retail Use Category

Uses involved in the sale, lease or rent of new or used products. Retail is consolidated into the following specific uses:

### 1. General Retail

Retail uses that sell, lease or rent a variety of new or used products. Typical examples include, appliance store; bicycle sales, rental or repair; book store; clothing or shoe store; craft or fabric store; electronics store; department store; drug store or pharmacy; florists; home goods or furniture store; hardware or home improvement store; optical center; pet store; sporting goods store; water equipment rental store; toy store; motor vehicle parts or equipment store; bank,

financial institution or ATM; convenience store; photography, art studio or gallery; farmers market; grocery store; landscape or plant nursery; and jewelry store.

2. **Artisan Workshop**

   A use that provides a work space for artists or artisans that may include the production of hand-crafted products. Typical examples include art studio; ceramic manufacturing; glass blowing; jewelry manufacturing; metalwork; musical instrument manufacturing; leatherwork; and woodworking, cabinet makers or furniture manufacturing.

3. **Farmer's Market**

   A use that provides for a periodic outdoor market at which the majority of vendors are farmers selling agricultural or horticultural produce or merchandise produced on their farms.

4. **Greenhouse or Nursery**

   A use engaged in the retail sale of plants and horticultural and gardening supplies materials.

## I. Transportation Use Category

Uses that facilitate the boarding, loading, arrival or departure of passengers for a variety of mobility and transportation options including trains, buses, cars and helicopters. Transportation is consolidated into the following specific uses:

1. **Passenger Terminal**

   A use for the pickup, drop off and interchange of passengers. Typical examples include bus terminals, multi-modal facility, rail stations, and passenger related mass transit facilities.

2. **Helipad**

   A use for the landing and take-off of a helicopter.

## J. Vehicle Sale and Service Use Category

Uses that sell, rent, lease, service or repair motorcycles, scooters, passenger vehicles, commercial vehicles, recreational vehicles, and heavy equipment. Vehicle sales and service are consolidated into the following specific uses:

1. **Vehicle Repair or Service**

   A use for servicing and repairing vehicles. Typical examples include motor vehicle servicing or repair, tire sales, installation or recapping, and motor vehicle washing or detailing.

2. **Vehicle Sale or Rental**

   A use that sells, rents or leases vehicles. Typical examples include the rental or sales of motor vehicles, heavy equipment, recreational vehicles, trailers and trucks.

3. **Fueling Station**

   A use that sells and dispenses vehicle fuel, including diesel, gasoline, hydrogen, electricity, and other alternative fuels.

# 3.3.5. Industrial Uses

## A. Industrial and Manufacturing

Uses involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the site. Industrial and manufacturing is consolidated into the following specific uses:

### 1. Bakery, Wholesale

A use that provides for the preparation of baked goods for wholesale or institutional distribution.

### 2. Low-Impact Industrial and Manufacturing

a. Industrial and manufacturing uses where some or all of the following characteristics are present or anticipated:

i. Majority of manufacturing or industrial activity takes place indoors;

ii. No significant heat, noise, sounds, vibrations, odors or particulates detectable off premises;

iii. No significant use of dangerous or harmful chemicals;

iv. No significant use of highly combustible or flammable materials, liquids, or gases;

v. No use of hazardous or explosive materials; and

vi. Limited or no outdoor storage.

b. Typical examples include manufacturing, processing, fabrication, packaging or assembly of prefabricated parts, consumer electronics, computers, appliances, optical devices or instruments, medical or surgical instruments, food and beverage products, cosmetics, clothing or shoes, printed or photographic materials, signs, small automotive parts; welding or machine shops; exterminators; and brewery, winery or distillery.

### 3. High-Impact Industrial and Manufacturing

a. Industrial uses where some or all of the following characteristics are present or anticipated:

i. Majority of manufacturing or industrial activity takes place outdoors;

ii. Significant heat, noise, sounds, vibrations, odors or particulates may be detectable off premises;

iii. Significant use of dangerous or harmful chemicals;

iv. Significant use of highly combustible or flammable materials, liquids, or gases;

v. Use of hazardous or explosive materials; and

vi. Significant outdoor storage areas.

b. Typical examples include lumber mill or wood product manufacturing; production of rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products; concrete batching or asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacturing and assembly of machinery, equipment, instruments, vehicles, appliances or electronics; dipping or refinishing of furniture; fuel oil distributor; and solid fuel yard.

#### 4. Research and Development

A use focused primarily on the research and development of new products or for scientific research intended for manufacture, production or sale of products elsewhere. Typical examples include plastics, genetics, biotechnology, pharmaceuticals, and polymers.

## B. Warehouse and Distribution

Uses involved in the storage or movement of goods for themselves or other entities. Goods are generally delivered to other firms or the final consumer. There is little or no on-site sales activity with customers present. Warehouse and distribution is consolidated into the following specific uses:

#### 1. General Warehouse and Distribution

Warehouse and distribution uses characterized by primarily indoor movement and activity. Typical uses include fulfillment center, distribution center, frozen food lockers, household moving storage, general freight storage, and warehouse.

#### 2. Data Center

A use primarily for the storage, management, processing, and transmission of digital data, housing computer and network equipment, systems, servers, appliances and other associated components related to digital data operations. May also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center.

#### 3. Distribution Storage Yard

A use involved in the storage, distribution or processing of goods and materials characterized by significant outdoor movement and activity. May also include the outdoor storage of equipment used for the distribution of goods and materials such as trucks, trailers, trains, cars, boats, carriages, and shipping containers. Typical uses include construction storage yard, landscape service company, lumberyard, and wholesale greenhouse or nursery.

#### 4. Recycling Drop-off Center

A use that provides a facility or area where waste or used and secondhand materials are bought, sold, exchanged, stored, processed or handled. Typical materials include scrap iron, paper, rags, rubber tires, bottles, discarded goods, and machinery.

#### 5. Self-Service Storage

A use that offers secure self-storage for household goods in individual rooms, compartments, lockers, or containers, where clients bring goods for storage and retrieve them at any time during normal business hours.

### 6. Vehicle Storage Yard

A use that provides storage for operable vehicles without occupants for more than 24 hours. Typical examples include towing service; taxicab, bus charter or limousine storage lot; school bus lot; recreational vehicle, trailer and boat storage; and impound lot.

# DIV. 3.4. USE STANDARDS

## 3.4.1. Applicability

The following use standards apply only where the Use Table in *3.2.2. Permitted Use Table* includes an asterisk (*) for the use permission in the applicable zoning district. Where no asterisk is present in the Use Table, these use standards do not apply. These use standards cannot be waived by a Special Use Permit.

## 3.4.2. Residential Uses

### A. Household Living

#### 1. Manufactured Home Park

a. All spaces within a manufactured home park must be and remain under single ownership.

b. The following requirements apply in lieu of underlying zoning district standards:

i. The minimum number of spaces in a manufactured home park is 10.

ii. The maximum density is 12 spaces per acre.

iii. The minimum area for each space is 3,000 square feet.

iv. The minimum distance from street or interior lot line of contiguous lot is 25 feet.

v. The minimum distance between manufactured homes, and between a manufactured home and any other building or structure is 15 feet.

vi. The maximum height of the manufactured home is 18 feet.

vii. The minimum manufactured home space dimension is 30 feet.

c. Transitions and Screening

i. A Low Impact Transition Screen must be provided along all common lot lines.

ii. A Low Impact Frontage Screen must be provided along all street lot lines.

### B. Group Living

#### 1. Residential Treatment Facility

Residential treatment facilities for sex offender treatment services are not allowed in Residential (R-) and Residential Mixed Use (RX-) districts.

# 3.4.3. Public and Institutional Uses

## A. Communication Facilities

### 1. Intent

a. The intent of this Section is to provide regulations that will serve the interests of the public necessity, convenience, general welfare and good zoning practice, by ensuring that residents, businesses and public safety operations within the City have reliable and convenient access to communications networks, while also ensuring a convenient, attractive, and harmonious community; protection against destruction of or encroachment upon historic areas; and encouragement of economic development.

b. The provisions of this Section are also intended to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable federal laws, including, without limitation, *Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act of 2012*.

### 2. Nonconforming Facilities

a. Communications facilities that were legally permitted on or before the date this ordinance was enacted, but which do not conform to current zoning regulations, are considered lawful, nonconforming uses.

b. A collocation cannot be construed as an expansion, enlargement or increase in intensity of an existing nonconforming tower or base station, provided that the collocation does not involve any substantial change.

c. City Council may, by Special Use Permit, authorize a substantial change of a nonconforming tower or base station.

### 3. Historic Districts

a. Within the City's ADC, HC, and EC Districts and IPPs attached communications facilities that are visible from any adjacent street or property are prohibited; provided, however, that by Special Use Permit, City Council may authorize such facilities on a specific lot.

b. In the event of a conflict between the provisions of this Section and the provisions of the uses allowed for any applicable zoning district, the provisions of this Section govern.

### 4. Measurement of Changes in Height

a. Where attached communications facilities are permitted within a zoning district, the total height of the communications facility, including the attachment structure, antenna and any attachment device, cannot be more than 20 feet greater than the original height of the attachment structure, and:

i. No part of any antenna or attachment device may be lower than:

a) The level of the floor of the second story of the building that serves as the attachment structure; or

b) 15 feet measured from average grade, whichever is greater; and

ii. In cases where an appurtenance is utilized as an attachment structure, no part of any antenna or attachment device may project above the top of the appurtenance.

b. The following restrictions apply to freestanding communications facilities, wherever located:

i. Where a support structure is used by and for a single antenna, maximum height cannot exceed 70 feet.

ii. Where a support structure is used by and for 2 co-located antennas, then maximum height cannot exceed 100 feet.

iii. Where a support structure is used by and for 3 or more co-located antennas, then maximum height cannot exceed 150 feet.

iv. The height of a freestanding communications facility is determined by the number of antennas for which binding commitments can be demonstrated at the time of approval. No freestanding communications facility is permitted to be constructed when the number of antennas that may be installed on it is speculative at the time of any approval.

c. By Special Use Permit, City Council may modify the requirements of this Section.

d. When an application involves or proposes a change in the height of any communications facility, the change in height will be measured from the original support structure, in cases where deployments are or will be separated horizontally (such as on the rooftop of a building); in other circumstances, changes in height will be measured from the dimensions of the tower or base station—inclusive of originally-approved appurtenances and any modifications that were approved prior to the passage of the *Federal Spectrum Act (P.L. 112-96, signed February 22, 2012)*.

5. **Setback Requirements**

a. All communications facilities must comply with the minimum setback and yard requirements of the zoning district in which they are located.

b. Each tower and base station must be set back from all property lines a distance equal to its engineered fall zone.

c. The above-ground portion of any freestanding communications facility cannot project into a required setback more than the maximum projection permitted in the zoning districts in which the facility or antenna is located. Any communications facility that projects over a public right-of-way must have a minimum clearance of 16 feet 6 inches, and is subject to City Council's approval of a right-of-way use agreement for the facility itself, or for the structure to which it is attached.

d. Where monopole tower, lattice tower or other self-supporting tower support structures are permitted, either by-right or by Special Use Permit:

i. The communications facility must be set back from any existing residence, residentially-zoned property, public street or other public property, a distance of at least the height of the PWSF or communications facility, but in no event less than 100 feet.

ii. By Special Use Permit, City Council may modify the requirements of this Section.

6. **Separation Requirements**

a. Freestanding communications facilities must conform to the following separation requirements, i.e., minimum distance from the nearest established freestanding communications facility:

| Structure Height | Minimum Separation Requirement |
|---|---|
| <50 feet | 300 feet |
| 50—100 feet | 500 feet |
| 101—150 feet | 750 feet |

b. When a freestanding communications facility is located on a lot containing one or more buildings or other uses, the minimum distance between the facility and any principal building or use located on the same lot must be the greater of 20 percent of the height of the facility, or 25 feet.

7. **Screening and Landscaping**

a. Landscaping must be used at ground level to screen the view of towers and base stations from adjacent public streets and public property, and from adjacent residentially-zoned property and residences. The minimum landscaping requirements shall be as follows:

i. For towers and base stations 150 feet in height or less, at least one row of evergreen shrubs capable of forming a continuous hedge at least 5 feet in height within 2 years of planting must not be spaced more than 5 feet apart within 10 feet of the perimeter of the required setback area.

ii. For towers and base stations more than one hundred 150 feet in height, in addition to the requirements set forth above, at least one row of deciduous trees, with a minimum caliper of 2 1/2 inches at the time of planting, and spaced not more than 40 feet apart, must be provided within 20 feet of the perimeter of the required setback area.

iii. All security fencing shall be screened from view.

b. Landscaping materials must consist of drought-resistant native species.

c. Landscaping materials must be maintained by the owner and operator of the lot on which the support structure is constructed or installed, for the life of the support structure.

d. Existing vegetation on the site must be preserved to the greatest practical extent. Existing vegetation, topography, walls and fences, etc., combined with shrubs or other features may be substituted for the required shrubs or trees, if the Administrator finds that they achieve the same degree of screening as the required shrubs or trees.

e. The requirements of this Section do not apply to an existing building that serves as the support for an antenna, but they apply to any related equipment and shelters placed on the ground adjacent to such buildings.

8. **Lighting and Security Fencing**

a. A communications facility cannot be artificially lighted, except for:

i. Security and safety lighting of equipment and shelters, if such lighting is appropriately down-shielded to keep light within the boundaries of the site.

ii. Such lighting as may be required by the FAA, FCC or other applicable governmental authority, installed in such a manner as to minimize impacts on adjacent residences. Where the FAA or FCC requires lighting, "dual lighting" (red at night/strobe during day) must be utilized unless otherwise recommended by FAA or FCC guidelines.

b. Security fencing is required around the perimeter of towers and base stations, but not for existing buildings that serve as the support for an antenna, in accordance with the following minimum requirements:

i. Security fencing must be maintained by the owner and operator of the communications facility, for the life of the facility. Security fencing must be constructed of decay-resistant materials, and cannot be less than 6 feet in height.

ii. Security fencing must be equipped with anti-climbing devices.

iii. When a support structure is secured so that the public cannot access any component of a wireless facility, security fencing is not required.

9. **Signs and Advertising**

a. A sign is not permitted on any communications facility, except as may be required for public safety purposes, or as required by the FAA or FCC.

b. No materials or markings containing any advertising or advertisement are permitted on any communications facility.

10. **Visibility and Placement**

a. Attached communications facilities that are permitted to be visible from adjacent streets or properties must comply with the following standards:

i. Such facilities must be designed and located so as to blend in with the existing support structure. The facilities must be attached to the support structure in the least visible location that is consistent with proper functioning of equipment. The colors of the facility and the attachment structure will be coordinated, and compatible neutral colors must be utilized.

ii. Where such facilities are visible to adjacent residences, but have a visual impact that cannot reasonably be mitigated by placement and color solutions, the facilities must be screened by planted materials or building appurtenances, to an extent that they are not readily apparent to the occupants of the adjacent residence.

iii. Antennas and any supporting electrical and mechanical equipment must be of a neutral color that is compatible with the color of the attachment structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

b. Attached communications facilities that are permitted only if not visible from adjacent streets or properties must comply with the following standards:

i. Such facilities must be concealed by an architectural feature or lawful appurtenance of the support structure, provided that ground-level equipment may be concealed by landscape screening.

ii. The concealment referenced above, must be provided to such an extent that the communications facilities cannot be distinguished from the architectural feature, appurtenance, or landscape plantings used to conceal them.

iii. Within an ADC district, any exterior construction, reconstruction, and alteration proposed for the purpose of providing concealment for any component of a communications facility requires a certificate of appropriateness.

c. In addition to the requirements of paragraphs a. and b., above:

i. Portions of towers and base stations that extend above a surrounding treeline or built environment must be painted gray or must have a galvanized finish. Below the surrounding treeline such facilities must be painted gray or green. Below the line of the surrounding built environment, such facilities must be painted in a neutral color that blends with the surrounding built environment.

ii. Alternative coloring or marking may be utilized if an applicant identifies FAA or FCC regulations requiring such alternative coloring or marking.

iii. Equipment shelters must be fabricated, constructed and installed using materials, colors, textures, screening and landscaping that blend with the natural setting and built environment. Equipment must be contained wholly within a building, structure, or enclosure, unless concealed or camouflaged, as may be required, or located underground.

iv. Collocated antennas must, to the greatest extent feasible, be of similar size, design, coloring and appearance.

v. For towers having a height in excess of 150 feet, the number and placement of antennas or other receiving or transmitting devices collocated on a single support structure must be limited so that, in the aggregate, the facility will not have an excessive adverse visual impact on adjacent properties, or on the view from any historic or entrance corridor overlay district.

d. As long as all siting, setback, separation and general requirements of this Section are met, towers, where permitted, may occupy a parcel meeting the minimum lot size requirements for the zoning district in which they are located.

11. **Construction and Operational Standards.**

a. All towers and base stations must comply with requirements of the applicable version of the Virginia Uniform Statewide Building Code (USBC).

b. Structures necessary for the housing or shelter of equipment used in direct support of a communications facility are allowed as accessories to the communications facility, but such structures may not be used for offices, vehicle storage or other storage. Equipment, machinery or vehicles other than that which is utilized in direct support of a communications facility cannot be stored or parked at the site, except when necessary in connection with repairs to the facility.

c. All communications facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal or state government having authority to regulate such facilities. An applicant seeking approval of a communications facility is required to certify such compliance.

d. The owner and operator of a tower must provide for and conduct an inspection of the tower structure at least once every 3 years. Such inspection shall be conducted by a structural engineer authorized to practice within the Commonwealth of Virginia. A written report of the results of the inspection must be provided to the City's building official.

e. Communications facilities may be located on sites containing one or more other principal uses, or such facilities may be the principal use of a lot. However, multiple uses of a single lot are prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas or dangerous chemicals.

f. A copy of any road maintenance agreement for any site accessed by private easement must be provided as part of any application for a freestanding communications facility. Where a freestanding communications facility site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street.

### 12. Collocation

a. Providers of communications services are encouraged to design, construct and site their facilities in a manner that will promote sharing facilities and support structures with other utilities, collocation with other providers, and to accommodating the future collocation of other future facilities, wherever technically, practically and economically feasible.

b. A person seeking approval of a site plan or special use permit for a new freestanding communications facility shall document that reasonable attempts have been made to find a collocation site acceptable to engineering standards, and that none was practically or economically feasible.

c. Proposed collocations will be reviewed by the City in accordance with:

   i. Requirements of federal law; and

   ii. Unless preempted by federal law, the applicable requirements of this Section.

### 13. Required Approvals

a. **Building Permit**

The facilities listed below may be authorized by zoning verification pursuant to paragraph (b), below, and issuance of a building permit, if required by the USBC):

i. Eligible facility requests;

ii. A new attached communications facility permitted by right, if such new facility meets all applicable requirements of this Section;

iii. Ordinary maintenance of a communications facility in existence on the date of an application; or

iv. Placement of a COW at any location within the City for:

a) A single, temporary period of not more than 120 days; or

b) Any period corresponding with the duration of an emergency or disaster declared by the governor or City Council.

b. **Zoning Verification**

Upon receipt of an application seeking approval for a facility, or modification, listed in paragraph (a), above, the Administrator will verify in writing that the proposed facility or modification meets applicable requirements of the zoning ordinance ("zoning verification"). If the Administrator determines that the facility or modification is not within the scope of paragraphs a.i. through iv., above, or does not meet applicable zoning requirements, the Administrator will notify the applicant in writing of the basis of their determination, and the facility or modification is not permitted until all applicable requirements have been satisfied.

i. The Administrator may require documentation and information to the extent reasonably related to determining whether a request is within the scope of paragraphs a.i. through iv., above and otherwise meets applicable zoning requirements.

ii. Within 60 days of the date on which an applicant submits an eligible facility request, the request will be approved, unless the Administrator determines, with the concurrence of the City Attorney, that the application does not involve an eligible facility. For the purposes of this paragraph "approved" refers to issuance of the required zoning verification and approval of any Certificate of Appropriateness that may be required for a concealment element. All aspects of the City's review of an eligible facility request will be conducted in accordance with, and is governed by, the mandates set forth within *47 C.F.R. § 1.40001 (April 8, 2015)*, as such regulations may subsequently be amended.

iii. The 60-day review period ("shot clock") begins to run from the date on which the application is filed, and it may be suspended only by mutual agreement or in cases where the City determines the application is incomplete. To suspend the running of the shot clock for incompleteness, the City must give written notice to the applicant within 30 days after the date on which the application is filed. The notice must reference all missing documents and information. Thereafter, the shot clock will begin running again when the applicant makes a supplemental submission in response to the notice. Following a supplemental submission, the City will have 10 days to notify the applicant in writing, if the supplemental submission did not provide all of the information required in the original notice. If a second or subsequent notice of incompleteness is given, the shot clock will be suspended until the next resubmission. Second and subsequent notices of incompletion may not specify missing documents or information that were not referenced in the original notice of incompleteness.

c. The City will have the right to obtain independent technical consultants and experts as necessary to render the required determination, and the City may require an applicant to bear the reasonable cost of such services, as part of the required application fee. Such reasonable costs include but cannot be limited to, the hourly rate of the independent technical consultant or expert.

d. Materials required for a zoning verification:

   i. Application form and related information completed and signed by the applicant, accompanied by the application fee set forth within the most recent fee schedule adopted by City Council

   ii. Copy of a property lease or notarized power of attorney from the property owner, if the applicant is not the property owner, expressly authorizing the applicant to apply for and make binding representations as the legal agent of the owner in relation to the proposed communications facility. Alternatively, the property owner may co-sign the application form;

   iii. An eligible facility request must also be accompanied by:

      a) A written opinion of an attorney licensed to practice within Virginia, certifying that the facility is an eligible facility;

      b) Drawings prepared by an engineer authorized to practice within Virginia, setting forth all dimensions, elevations and other details establishing the factual basis for the attorney's opinion, and illustrating all proposed changes in dimension—including all existing and proposed concealment elements;

      c) The date and type of approvals previously granted by the city for the existing facilities; and

      d) For applications involving towers or base stations within a design control district, a comprehensive concealment plan, consisting of drawings prepared by an architect or engineer authorized to practice within Virginia, demonstrating how the concealment elements for all antennas and related equipment, in the aggregate, will satisfy the standards set forth within *5.2.7. Major Historic Review* and *5.2.8. Corridor Review*, as applicable.

e. Zoning approval is required for any proposed communication facility other than those referenced within paragraphs a.i. through iv., above. Each application seeking zoning approval of a proposed communication facility must include the following:

   i. An application form and such related materials as may be required by the Administrator for a proper review of the request, accompanied by the application fee set forth within the most recent fee schedule adopted by City Council;

   ii. Copy of a property lease or notarized power of attorney from the property owner, if the applicant is not the property owner, expressly authorizing the applicant to apply for and make binding representations as the legal agent of the owner in relation to the proposed communications facility. Alternatively, the property owner may co-sign the application form;

iii. A proposed final site plan in accordance with this Section; and

iv. An application for approval of a Certificate of Appropriateness, and related fees and supporting materials, when required by *5.2.8. Corridor Review*, as applicable.

f. **Special Use Permits**

Each application seeking approval of a special use permit for a communications facility must include the following information and materials:

i. A proposed Final Site Plan, in accordance with this Section;

ii. Demonstration that the proposed site is appropriate for the location of the facility. Information relevant to this factor includes, without limitation: topographic features or advantages of the site; site location in relation to provision of adequate wireless communications transmission or other type of communications broadcast, transmission or receipt; physical site characteristics in relation to the construction of the facility, including potential impacts on adjacent land uses; technical capabilities and limitations of the facility to be established; adequacy of setbacks to protect adjacent residential or public properties, or public streets in the event of a support structure failure; the ability to buffer, through use of vegetative, topographic or other measures, the impact of the use on adjacent residential or public streets or properties; impact on adjacent buildings, structures or sites of historic significance;

iii. A list of all existing support structures and antenna sites within a two-mile radius from the proposed site (list to include street address, tax parcel number, existing uses and existing height), outlining opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed support structure, antenna or microcell cannot be accommodated by other existing approved facilities due to one or more of the following reasons:

a) Unwillingness of the owner of the existing facilities to entertain a wireless communication facility proposal, or unwillingness of such owner to provide space on economically reasonable terms;

b) The planned equipment would exceed the structural capacity of existing and approved support structures and facilities, considering existing and planned use for those facilities;

c) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;

d) Existing or approved support structures of facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;

e) Other reasons, described in specific factual detail, make it impracticable to place the equipment on existing and approved support structures or facilities;

f) The proposed co-location of an existing support structure or antenna site would be, by virtue of the requirements of this division, any city ordinance or the city's comprehensive plan, considered a prohibited use.

iv. A statement certifying that, as proposed, the facility is consistent with provisions of *Subchapter I of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321—4335*. If an environmental assessment is performed pursuant to *47 C.F.R. Chapter I, Part I, Subpart I*, a copy must be provided to the City;

v. Technical, engineering, and other pertinent factors which led to the selection of the particular design and proposed height of the facility.

vi. An inventory of the applicant's existing communications facilities located within the City and within 1 mile of the City's boundaries, including specific information about the location, height and design of each facility.

vii. A detailed description of any gap in service, described in technical terms and geographic area, that a proposed communications facility is designed to serve, together with documentation that the applicant has considered alternatives that would obviate any need for the proposed installation, including, without limitation: collocation at alternative sites, alternative system designs, etc.

viii. Any other information requested by the City to enable it to fully evaluate and review the application and the potential impact of the proposed facility.

ix. The criteria to be applied by the City in reviewing an application for a special use permit are as follows:

a) Whether the proposed facility has been designed and configured in a way that minimizes the adverse visual impact of support structures, antenna arrays and other associated structures and equipment on adjacent properties, particularly any adjacent residentially-zoned properties or any conservation or historic districts or protected properties, or any entrance corridors;

b) Whether the proposed facility has been designed and configured to promote compatibility with surrounding land uses and to protect the health, safety, general welfare and property values of the community;

c) Whether the proposed facility has been designed and configured so that it will not have undue adverse impact on traffic or parking congestion in the surrounding neighborhood or the community;

d) Whether the applicant has made all reasonable efforts to identify and locate opportunities for shared use (co-location) of existing support structures and antenna sites within an appropriate radius from the proposed site, as an alternative to the proposed use;

e) Whether the proposed facility will meet all applicable federal, state and local laws and regulations, including building, fire and safety regulations; and

f) Whether the proposed facility meets the applicable requirements and standards set forth within this Section and within *5.2.14. Special Use Permit*.

g. The Planning Commission will review and make recommendations to City Council concerning approval or disapproval of the application for a special use permit, based upon its review of the application materials and the criteria set forth in this Section and this Development Code.

h. Except as set forth above, the procedure for consideration of an application for a special use permit for a communications facility is the same as that required by *5.2.14. Special Use Permit*.

i. Each application for a special use permit for a communications facility, or an amendment to such a special use permit, must be accompanied by a fee as set forth within the most recent fee schedule adopted by City Council, plus an additional amount specified by the Administrator, as and for the cost of technical consultant and experts deemed necessary by the City. Such fee will include but is not necessarily limited to the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate the application.

j. In granting any special use permit for a communications facility the City Council may expand, modify, reduce or otherwise grant exceptions to the setback regulations, landscaping and screening requirements, height restrictions or visibility and placement restrictions set forth within this Section, provided that the City Council determines that such conditions are reasonable and will serve the purpose and goals of this Development Code. The resolution adopted by City Council to grant any such special use permit shall include any exceptions or modifications as specific conditions of such permit.

k. Special use permits issued under the terms of this Section will be reviewed by the Administrator no less than every 5 years from the date of issuance for compliance with this Section and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities are being violated.

l. Special use permits for communications facilities are subject to the provisions of *5.2.14. Special Use Permit*, except as follows:

    i. Application materials will be reviewed, and zoning decisions rendered, in the following order:

        a) The Administrator will take action on the proposed final site plan, as submitted, and any approval will be subject to the approval of a special use permit;

        b) The Board of Architectural Review or Planning Commission, as applicable, will make a decision on any required Certificate of Appropriateness (COA). Approval of a COA will be conditioned upon approval of a special use permit, and a denial of a COA will be deemed appealed to City Council for resolution in connection with its decision on the special use permit; and

        c) The Planning Commission and City Council will take final action on the proposed special use permit, subject to final approval of the site plan.

ii. All required zoning decisions referenced within paragraph (i), above, must be completed by the City within 150 days of receipt of an application, or within 90 days if the application involves a collocation (other than an eligible facility request). The City's review and responses to the application must be in accordance with requirements of federal and state law. Denial of a special use permit by City Council must be set forth in writing and must be supported by substantial evidence in the record of the proceedings.

m. Notwithstanding the provisions of *5.2.14. Special Use Permit*, if a tower or base station is abandoned, and it remains abandoned for a period of at 12 consecutive months, then upon written notice to the owner, the City may require that the tower be removed, or that all communications equipment be removed from the base station, within 6 months after the date of such notice.

n. Procedures for the amendment of a special use permit are the same for the original special use permit application.

o. In the event of a conflict between any provisions of this Development Code and the provisions of any applicable federal law, regulation, or binding regulatory interpretation or directive, the federal requirements govern.

## 3.4.4. Commercial Uses

### A. General

1. In a RX- District, commercial uses must not exceed 25% of the floor area on a lot.
2. In R- Districts, allowed commercial uses must follow the following standards:
   a. Commercial uses on each lot are limited to 2,500 square feet.
   b. Commercial uses may follow the Shopfront House Alternate Form standards (see *2.8.4. Shopfront House*).
   c. There must be at least 1 dwelling unit on each lot with a commercial use. This requirement may be waived by Special Use Permit.
   d. In Residential B (R-B) and Residential C (R-C) districts, corner lots do not require a Special Use Permit and are permitted uses by right. The use standards for commercial uses in R- Districts apply.

### B. Parking

#### 1. General

When abutting a common lot line of any R- or RX- District, a Low Impact Transition Screen is required.

#### 2. Remote Parking

a. Remote parking must be located within 1,320-foot walking distance of the principal use served.

b. Walking distance is measured horizontally along the most direct route of travel on the ground in the following manner:

i. Starting at the nearest edge of a primary or secondary street lot line of the remote parking lot;

ii. Along a public sidewalk, walkway, street, or road; and

iii. Ending at the nearest pedestrian access point to the destination use.

# 3.4.5. Industrial Uses

## A. Warehouse and Distribution

### 1. General Warehouse and Distribution

a. When abutting a common lot line or across an alley of a R- or RX- District, a Transition Type E is required.

### 2. Data Center

In a CX-, NX-, or DX district:

i. A data center must not exceed 50% of the floor area on a lot; and

ii. The data center must not be located within 30 feet of the primary street or side street building facade.

### 3. Distribution Storage Yard

a. Outdoor storage of refuse, waste, junk, inoperable motor vehicles and inoperable motorized equipment is prohibited.

b. The area of the lot covered by any building, structure, and outdoor storage area must not exceed 75% of the total lot area.

c. When abutting a common lot line or across an alley of a R- or RX- District, a Transition Type E is required.

### 4. Vehicle Storage Yard

a. When abutting a common lot line or across an alley of a R- or RX- District, a Transition Type E is required.

# DIV. 3.5. ACCESSORY USES AND STRUCTURES

## 3.5.1. General

### A. Allowed Accessory Uses and Structures

The permitted use table in *3.2.2. Permitted Use Table* establishes the allowed accessory uses and structures by district. Multiple accessory uses are allowed on a lot when the uses are all allowed in the district and the standards for all uses on the lot may be met.

### B. Accessory Uses and Structures Not Listed

1. An accessory use or structure not specifically listed in *3.2.2. Permitted Use Table* is not allowed unless the Administrator determines the use:
    a. Is clearly incidental to and customarily found in connection with an allowed principal use;
    b. Is subordinate to and serving an allowed principal use;
    c. Is subordinate in area, extent and purpose to the principal use served; and
    d. Is located on the same lot as the principal use served.
2. Electronic gaming cafes are prohibited as an accessory use.

### C. Rules for All Accessory Uses and Structures

1. A permit is required for any accessory use or structure exceeding 256 square feet of gross floor area.
2. Accessory structures must comply with the dimensional requirements of the zoning district, unless listed as an allowed encroachment in *2.10.5. Building Setbacks*.
3. No accessory use or structure is permitted on the lot until after the principal use or structure is approved.

## 3.5.2. Specific Standards

### A. Alcohol Sales for On-Premise Consumption

Allows for the sale of beer, wine or liquor for on-premise consumption on the property of a permitted commercial use.

1. In Residential (R-) and Residential Mixed Use (RX-) districts, alcohol sales are only allowed in conjunction with an approved commercial use.

### B. Drive-Through

Allows for service provided directly to motor vehicles where the customer drives up to a window or mechanical device through or by which the customer is serviced without exiting the vehicle on the same lot as a permitted commercial use.

1. Must meet the stacking requirements of *4.5.6. Other Vehicle Use Areas*.
2. A drive-through is only permitted on a lot with frontage on a Mixed Use A or Industrial street.
3. A dining room or walk-up window must also be provided with any drive-through facility and must be available to customers at all times the drive-through is operating.

## C. Family Day Home

A child care program serving 1 to 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, where such program is offered in the residence of the provider or the residence of any of the children in care.

## D. Home Occupation

1. A home occupation is permitted only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling.
2. In addition to the resident of the dwelling, not more than one other individual may be engaged in the activities of the home occupation business on the property at any given time.
3. More than 3 customers or clients of a home occupation business cannot be present on the premises at the same time.
4. Customers, clients or employees are not allowed to visit the property on which a home occupation business is conducted earlier than 8:00 AM or later than 9:00 PM
5. Deliveries of supplies associated with the home occupation business must occur only between the hours of 8:00 AM and 9:00 PM
6. Mechanical or electrical equipment cannot be employed within or on the property, other than machinery or equipment customarily found in a home.
7. No outside display of goods, and no outside storage of any equipment or materials used in the home occupation business is permitted.
8. There cannot be audible noise, or any detectable vibration or odor from activities or equipment of the home occupation beyond the confines of the dwelling, or an accessory building, including transmittal through vertical or horizontal party walls.
9. The storage of hazardous waste or materials not otherwise and customarily associated with residential occupancy of a dwelling is prohibited.
10. There cannot be sales of any goods, other than goods that are accessory to a service delivered on-premises to a customer or client of the home occupation business.
11. A home occupation business must be conducted entirely within the dwelling, an accessory building or structure, or both.
12. For pet grooming services, all animals must be kept inside during the provision of services and no animals may be boarded or kept overnight.

13. All parking in connection with the home occupation business (including, without limitation, parking of vehicles marked with advertising or signs for the home business) must be in driveway and garage areas on the property, or in available on-street parking areas.

14. One exterior sign is allowed provided that the sign meets the following standards:

    a. The sign cannot exceed 2 square feet in area.

    b. The sign cannot be illuminated.

    c. The sign must meet the requirements of *Div. 4.11. Signs*.

15. Except for a sign authorized by subparagraph 14 above, there must not be evidence or indication visible from the exterior of the dwelling that the dwelling or any accessory building is being utilized in whole or in part for any purpose other than residential occupancy.

16. Applicants for a accessory use permit authorizing a home occupation must provide evidence of a City business license (or a statement from the commissioner of revenue that no City business license is required), proof of payment of taxes required by City Code, Chapter 30, if any, and a certificate of occupancy or other written indication from the City's building code official that use of the dwelling or accessory building for the home occupation business is in compliance with all applicable building code regulations.

17. The following are specifically prohibited, and cannot be deemed or construed as activities constituting a home occupation:

    a. Auto detailing, where more than 2 vehicles being serviced are present on the property at any given time;

    b. Barber shops or beauty salons having more than 2 chairs;

    c. Funeral home with or without chapel;

    d. Medical or dental clinic (other than psychiatric or psychological counseling services);

    e. Motor vehicle sales, repair, equipment installation, and similar activities;

    f. Nursing homes and adult care facilities, other than those meeting the definition of a Temporary Family Health Care Structure;

    g. Repair or testing of heavy machinery, including internal combustion engines;

    h. Restaurants;

    i. Retail or wholesale sales, where any goods or merchandise are picked-up by purchasers on-site, including, without limitation: antique shops, sales of firearms, computer sales, and similar activities;

    j. Schools, nursery schools, and day care facilities, other than those meeting the definition of a Family Day Home; or

    k. Veterinary clinics and animal kennels.

## E. Homestay

1. Allows for an individual who owns a dwelling unit and uses it as their permanent residence to hire out as lodging the dwelling unit or any portion of the dwelling unit.

2. Homestays must comply with the standards of *3.5.2.D. Home Occupation*, subsections 1, 2, 4 through 12, 14, and 15.

3. No more than 6 adult overnight guests are allowed on each lot per day.

4. Homestays are not permitted to have an exterior sign.

5. An individual who applies for an Accessory Use Permit to authorize the operation of a homestay must present proof of the following:

    a. The individual's ownership and permanent residence of the property that is the subject of the application. Acceptable proof of permanent residence includes: applicant's drivers license, voter registration card or U.S. passport, or other documents showing the address of the property which the Administrator determines provide equivalent proof of permanent residence at the property; and

    b. Contact information for the responsible party. If the owner is not the responsible party who will be responsible during the time of use as a homestay, then the responsible party must be identified and must sign the application form.

6. Food cannot be prepared for or served to the guests of the homestay by the owner or the owner's agents or contractors.

7. Every homestay must have working smoke detectors, carbon monoxide detectors, and fire extinguishers, and all equipment must be accessible to overnight guests of the homestay at all times. Every homestay must comply with requirements of the applicable version of the Virginia Uniform Building Code, as determined by the City's Building Code Official.

8. By the application for an Accessory Use Permit for a homestay, an applicant authorizes City inspectors to enter the subject property, upon reasonable advance written notice to the applicant, at least 1 time during the calendar year for which the permit is valid, to verify the homestay is being operated in accordance with the requirements of this Section.

9. Each Accessory Use Permit for a homestay will be valid from the date on which the permit is issued through December 31 of the calendar year in which the permit is issued. During this period of validity, the owner of the homestay must occupy the dwelling unit as their permanent residence for a minimum of 185 days.

10. An Accessory Use Permit for a homestay may be revoked by the Administrator for the following reasons:

    a. In the event that 3 or more substantiated complaints are received by the City within a calendar year; or

    b. For failure to maintain compliance with any of the requirements of this Section.

11. A property owner whose Accessory Use Permit has been revoked is not eligible to receive any new Accessory Use Permits for homestays for the remaining portion of the calendar year in which the permit is revoked and for the entire succeeding calendar year.

## F. Outdoor Dining

Allows for an accessory outdoor dining on the property of a permitted principal commercial use. Outdoor dining is an unenclosed area with tables, chairs, and other furnishings set up for the purpose of drinking beverages or eating food.

1. Outdoor dining cannot encroach upon any street, sidewalk or parking areas. Outdoor dining cannot impair the ability of pedestrians ~~or cyclists~~ to use the sidewalk. There must be a minimum ADA compliant width of clear distance of sidewalk at all times.
2. In Residential (R-) and Residential Mixed Use (RX-) districts, outdoor dining is only allowed in conjunction with an approved commercial use.

## G. Outdoor Display

Allows for an accessory outdoor display of products actively available for sale on the property of a permitted principal commercial use.

1. Outdoor display is only allowed with a permitted ground floor nonresidential use.
2. Outdoor display must be located within 20 feet from the facade and cannot exceed 6 feet in height.
3. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
4. Outdoor display cannot encroach upon any street or sidewalk. Outdoor display cannot impair the ability of pedestrians ~~or cyclists~~ to use the sidewalk. There must be a minimum ADA compliant width of clear distance of sidewalk at all times.

## H. Outdoor Entertainment

Allows for an accessory outdoor entertainment area on the property of a permitted principal commercial use. An outdoor entertainment area is an unenclosed platform that accommodates musical or theatrical shows or performances.

1. Outdoor entertainment areas must be a minimum of 150 feet from a R- District.
2. Outdoor entertainment areas cannot encroach upon any street or sidewalk. Outdoor entertainment areas cannot impair the ability of pedestrians or cyclists to use the sidewalk. There must be a minimum ADA compliant width of clear distance of sidewalk at all times.

## I. Outdoor Storage

Allows for accessory outdoor storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale on the property of a permitted principal public and institutional, commercial, or industrial use.

1. Must be located to the side or rear of the primary building.
2. In a CX-, NX- or DX District, outdoor storage is limited to merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers.
3. When abutting a common lot line of a R- or RX- District, a Fence Type X is required.
4. The amount of space dedicated to outdoor storage on a lot cannot exceed the following:

| Zoning District | % of Lot Area Used for Outdoor Storage (max) |
|---|---|
| CX-, NX-, DX | 10% |
| CM, CV | 20%' |
| IX- | 45% |

## J. Solar Energy System

1. Solar energy systems must be installed in compliance with applicable provisions of the Uniform Statewide Building Code (USBC) and the Virginia Statewide Fire Prevention Code (VSFPC).
2. A solar energy system may be installed on the roof of any building or structure, whether principal or accessory.
    a. The height of a solar energy system installed on the roof of a one- or two-unit dwelling, or on the roof of an accessory building or structure on the same lot as such dwelling, may extend up to 5 feet above the highest point of the roof of the building or structure on which it is installed.
    b. All other rooftop solar energy systems may extend up to 15 feet above the highest point of the roof of the building or structure on which it is installed.
3. A solar energy system may be attached and incorporated as part of any building facade such as roof tiles, window shutters and canopies.
4. Within a required front yard, a solar energy system may be incorporated as part of any structure allowed by *2.10.5.E.1. Limited Encroachments*. Otherwise, a solar energy system cannot be located within a required front yard.

# DIV. 3.6. TEMPORARY USES AND STRUCTURES

## 3.6.1. General Standards

### A. Temporary Activities in General

1. Temporary activities are characterized by their short-term or seasonal nature and by the fact that permanent improvements are not made to the lot. This does not apply to outdoor storage (*3.5.2.I. Outdoor Storage*) or outdoor display (*3.5.2.G. Outdoor Display*) that are accessory to a permitted principal use.
2. A temporary use must be permitted within the zoning district where it will be located.

### B. Permit Required

1. A temporary use or structure for one or more of the uses described in this Division must obtain a temporary use permit pursuant to *5.2.10. Permit Review*.
2. An application for a temporary use permit may be made by any person who is a property owner, or by any lessee or contract purchaser of a property.
3. The application must be filed with the Administrator on forms provided by the Department of Neighborhood Development Services. All information required for evaluation of the application in accordance with the standards of this division must be supplied and the applicant must remit the fee established by City Council for such permit. No application will be deemed filed until all submission requirements are deemed by the Administrator to have been met.
4. The applicant must provide a plat or drawing showing the location of all signs, structures, outdoor furniture, parking, equipment and lighting to be utilized on a lot or parcel in connection with a proposed temporary use;
5. The Administrator may require a bond or other suitable guarantee sufficient:
    a. To ensure that signs, trash, temporary structures and debris will be removed from the site and from the immediate vicinity of the site;
    b. That the activity will not remain for longer than a temporary period; and
    c. To ensure compliance with applicable provisions of city ordinances. Such bond or guarantee will be no more than one $100,000.00, depending on the nature and extent of the proposed use.
        i. The bond or other guarantee will be forfeited to the city if the site is not adequately cleared of all trash, debris, signs and temporary structures.
        ii. The bond or guarantee will be forfeited to the city if the activity remains on the site after expiration of the permit.
        iii. The bond shall be forfeited to the city if violations of any applicable city ordinances are established.

6. No more than 5 temporary use permits will be issued for the same lot or parcel of land in any calendar year. Each event or activity authorized by a temporary use permit must be separated by a period of no less than 21 consecutive days. No temporary use permit will be issued to an applicant unless and until at least 21 days after a permit issued to that applicant for an adjacent lot or parcel has expired.

7. Only one temporary use permit will be active on any lot or parcel at any time.

8. All temporary uses and any appurtenant structures, signs, goods and other features must be set back from an adjacent right-of-way by at least 20 feet.

9. All activities to be conducted pursuant to a temporary use permit must be in compliance with:

    a. The standards set forth in this Division, as applicable; and

    b. All applicable city ordinances, permits and approvals, including, without limitation: Occupancy permits, peddler's licenses, sign permits, BAR certificates of appropriateness, etc.

10. Use of all buildings and structures must be in compliance with all applicable building code regulations.

11. A temporary use permit may be revoked by the Administrator at any time, due to the failure of the permit holder to comply with all requirements of this Chapter. Notice of revocation must be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.

# 3.6.2. Specific Standards

## A. Temporary Outdoor Assemblies

Temporary outdoor assemblies must meet the following conditions:

1. Must take place only between the hours of 9:00 AM and 9:00 PM on a given day.
1. Must provide parking for persons expected to attend the event, no fewer than one space per 4 persons of the capacity of the site, as determined by the Administrator.
2. Must meet all applicable requirements of the state building and fire prevention codes.

## B. Temporary Outdoor Sales

Temporary outdoor sales must meet the following conditions:

1. Cannot be located or conducted in a manner that will reduce or eliminate the availability of any required off-street parking spaces for the subject property.
2. Cannot be located within any yard subject to a landscaping, transition, or screening requirement.
3. Must, with respect to any lighting utilized, comply with applicable provisions of *Div. 4.12. Outdoor Lighting.*
4. Must meet all applicable requirements of the state building and fire prevention codes.

## C. Amusement Enterprises (Circuses, Carnivals, etc.)

Temporary amusement enterprises must meet the following conditions:

1. Must provide parking sufficient to accommodate the number of persons expected to attend the event, as determined by the Administrator based on other, similar events.
2. Must, in all aspects (including, without limitation, the erection of tents and rides) be conducted in accordance with applicable requirements of the state building and fire prevention codes.
3. Must not be approved to take place within 300 feet of a R- District.
4. Must, with respect to any lighting utilized, comply with applicable provisions of *Div. 4.12. Outdoor Lighting.*
5. ~~Must provide parking for persons expected to attend the event, no fewer than one space per 4 persons of the capacity of the site, as determined by the Administrator.~~

## D. Mobile Food Unit

A mobile food unit located on private property authorized by a temporary use permit is subject to the following regulations:

1. No mobile food unit may be operated on private property without the mobile food unit owner or their designee having first been issued a temporary use permit pursuant to this section.

2. A temporary use permit allows the permittee to operate at up to 10 different properties. An applicant may apply for more than one temporary use permit.

3. Applicants for a temporary use permit authorizing a mobile food unit to operate on private property must provide:

    a. A City business license (or a statement from the commissioner of revenue that no City business license is required).

    b. A valid health permit from the Virginia Health Department stating that the mobile food unit meets all applicable standards. A valid health permit must be maintained for the duration of the temporary use permit.

    c. Written permission from the owner of the private properties upon which the permittee will operate.

    d. A site diagram to be approved by the Administrator for each property, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the mobile food unit, distance from property lines, garbage receptacles and any other feature associated with the mobile food unit.

4. A mobile food unit temporary use permit is valid for one year from the date of issuance.

5. A mobile food unit operator cannot:

    a. Sell anything other than food and non-alcoholic beverages and items incidental to the product and its consumption;

    b. Set up more than one covered 10 × 10 table to provide condiments to patrons;

    c. Play any music that is audible outside of the vehicle;

    d. Place or utilize any sign that is not permanently affixed to the mobile food unit;

    e. Fail to provide receptacles and properly dispose of all trash, refuse, compost and garbage that is generated by the use; and

    f. Cause any liquid wastes to be discharged from the mobile food unit.

## E. Temporary Family Health Care Structures

1. Temporary family health care structures are permitted as an accessory use in all zoning districts on lots zoned for single-unit detached dwellings if such structure:

    a. Is used by a caregiver in providing care for a mentally or physically impaired person, and;

    b. Is on property owned or occupied by the caregiver as their residence.

2. For purposes of this section, "caregiver" and "mentally or physically impaired person" have the same meaning as defined in *Code of Virginia, § 15.2-2292.1.*

3. In addition to the specific requirements of a temporary family health care structure found in *Code of Virginia, § 15.2-2292.1.*, a temporary use permit for a temporary family health care structure must meet the following minimum conditions:

a. Only one such structure is allowed on a lot or parcel of land.

b. The applicant must provide evidence of compliance with this section to the City one year from the date of installation, and every year thereafter, as long as such structure remains on the property. Such evidence will involve inspection by the City of such structure at reasonable times.

c. The applicant must comply with all applicable requirements of the Virginia Department of Health.

d. No sign advertising or otherwise promoting the existence of the structure is permitted anywhere on the property.

e. Such structure must be removed within 60 days of the time from which the mentally or physically impaired person is no longer receiving, or is no longer in need of, the assistance provided for in this Section.

f. The Administrator may revoke any permit granted hereunder if the permit holder violates any provision of this section, in addition to any other remedies that the City may seek against the permit holder, including injunctive relief or other appropriate legal proceedings to ensure compliance.

## F. Temporary Construction Yard

### 1. Temporary Permit Renewal

A temporary permit may be issued in all zoning districts by the Administrator for yards located outside the public street which support a temporary construction project (including projects for the maintenance or repair of streets or structures). Such permit are valid for a period not exceeding 18 months, provided that the standards set out below are followed. A permit may be renewed for additional twelve-month periods, provided that there is continued compliance with the standards set out below. The project operator must show demonstrable progress in order for a permit to be renewed. Inactive sites are not permitted to remain.

### 2. Site Diagram Details

In addition to the requirements set forth in *3.6.1. General Standards*, a site diagram for a temporary construction yard must identify the general location and extent of the activities and structures of the yard, including vehicle storage areas, contractor's office, watchman's trailer, construction equipment sheds, etc. The diagram must also show or describe a restoration plan for the site, setting out how the site will appear 60 days after the expiration or termination of the temporary use permit.

### 3. Site Requirements

a. A temporary construction yard must provide erosion and sediment control, and stormwater management, in accordance with federal, state and local stormwater regulations and requirements. The addition of a temporary construction yard may require amendments to an existing environmental permit.

b. When determined to be necessary, temporary construction yards must be screened from the adjacent rights-of-way and adjacent properties with a Moderate Impact Frontage Screen (see *4.7.3. Frontage Screens*). With the approval of the Administrator, an opaque wall or fence may be utilized for, or as part of, a required screen. Where allowed, such wall or fence (including any gate(s) forming a portion of such structure) must be at least 6 feet tall, or an alternate height deemed necessary by the Administrator to protect required sight distances along a public street.

c. All lighting associated with the site must meet the requirements of *Div. 4.12. Outdoor Lighting* and must be screened from view from any rights-of-way or Residential (R-) zoning district.

### 4. Maintenance Requirement

a. All areas of such yard, as well as its access roads, must be treated and maintained in such manner as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public street. Such yards must be maintained in a clean and orderly condition. Material and construction residue and debris is not permitted to accumulate. Grass and weeds must be maintained at a height not exceeding 6 inches.

b. In the event that the permit holder fails to maintain the site and fails to remedy all deficiencies within 30 days after written notice of violation of these maintenance requirements has been issued by the Administrator, the Administrator may declare the permit void and require restoration of the site as provided for below.

### 5. Restoration After Termination of Use

The yard must be closed and all buildings, structures, materials, supplies and debris associated with the yard's activities completely removed and the area properly seeded or otherwise restored with appropriate vegetation within 60 days from the date that the permit issued by the Administrator has expired or has been revoked by the Administrator.

## G. Temporary Surface Parking Lot

### 1. Temporary Permit Renewal

A temporary permit may be issued by the Administrator for lots located outside the public street which support a temporary construction project (including projects for the maintenance or repair of streets or structures). Such permit is valid for a period not exceeding 18 months, provided that the standards set out below are followed. A permit may be renewed for additional 12-month periods, provided that there is continued compliance with the standards set out below. The project operator must show demonstrable progress in order for a permit to be renewed. Inactive sites are not permitted to remain.

### 2. Site Diagram Details

In addition to the requirements set forth in *3.6.1. General Standards*, a site diagram for a temporary surface parking lot must identify the size and location of parking spaces, any associated structures, traffic circulation, signs, etc. The diagram must also show or describe a restoration plan for the site, setting out how the site will appear 60 days after the expiration or termination of the temporary use permit.

### 3. Site Requirements

a. Addition of a temporary surface parking lot cannot create any zoning violations for the site or uses of the lot, or result in interference with required transportation or parking facilities. (For example, establishment of a temporary surface parking lot may not reduce required open space, or result in a reduction of required parking spaces, for that lot, or for within a project that includes the lot.)

b. When there is an established use on site, defined physical separation must be provided between the established use and the temporary surface parking lot.

c. Ingress and egress to the temporary surface parking lot, and the layout of the surface parking lot, must meet all applicable requirements of the state building and fire prevention codes.

d. The temporary surface parking lot must provide erosion and sediment control, and stormwater management, in accordance with federal, state and local stormwater regulations and requirements. The addition of a temporary surface parking lot may require amendments to an existing environmental permit.

e. Parking surface must comply with requirements in *4.5.5. Vehicle Parking Design* and any additional requirements within the Standards and Design Manual.

f. Temporary surface parking lots must be screened from the adjacent rights-of-way and adjacent properties when determined appropriate with a Moderate Impact Frontage Screen (see *4.7.3. Frontage Screens*). With the approval of the Administrator, an opaque wall or fence may be utilized for, or as part of, a required screen. Where allowed, such wall or fence (including any gate(s) forming a portion of such structure) must be at least 6 feet tall, or an alternate height deemed necessary by the Administrator to protect required sight distances along a public street.

g. All temporary surface parking lots must comply with current ADA guidelines and regulations.

h. Bicycle storage must be provided based on standards within this Development Code and the Standards and Design Manual.

### 4. Signage

Signage indicating the temporary nature of the use is required. All signs must comply with the sign regulations within *Div. 4.11. Signs*. Signage must include the following:

a. Duration of use with proposed termination date.

b. Contact information (telephone or email address) of permit holder.

### 5. Lighting

Any lighting used for the temporary surface parking lot must comply with applicable provisions of *Div. 4.12. Outdoor Lighting*.

### 6. Maintenance Requirement

a. All areas of such parking facility, as well as its access roads, must be treated and maintained in such manner as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public street. Such parking facilities must be maintained in a clean and orderly condition. Material and construction residue and debris is not permitted to accumulate. Grass and weeds must be maintained at a height not exceeding 6 inches.

b. In the event that the permit holder fails to so maintain the site and fails to remedy all deficiencies within 30 days after written notice of violation of these maintenance requirements has been issued by the Administrator, the Administrator may declare the permit void and require restoration of the site as provided for below.

### 7. Restoration After Termination of Use

The temporary parking facility must be closed and all buildings, structures, materials, supplies and debris associated with the facility's activities completely removed and the area properly seeded or otherwise restored with appropriate vegetation within 60 days from the date that the permit issued by the Administrator has expired or has been revoked by the Administrator.

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ARTICLE 4.

# DEVELOPMENT STANDARDS


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# DIV. 4.1. OPENING PROVISIONS

## 4.1.1. Applicability

A. Development standard requirements apply based on the types of project activities proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, an expansion of an existing use may include both an addition and a facade modification).

| | | PROJECT ACTIVITY | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **DEVELOPMENT STANDARDS** | | Subdivision | New Construction | Addition | Site Modification | Facade Modification | Change of Use | Renovation | Maintenance and Repair |
| Development Bonuses | *Div. 4.2* | ● | ● | ● | ○ | ○ | ● | ● | ○ |
| Blocks | *Sec. 4.3.2.* | ● | ● | ○ | ○ | ○ | ○ | ○ | ○ |
| Site Access | *Sec. 4.3.3.* | ● | ● | ○ | ● | ○ | ○ | ○ | ○ |
| Streets | *Div. 4.4* | ● | ● | ○ | ● | ○ | ○ | ○ | ○ |
| Pedestrian Access | *Sec. 4.5.1.* | ○ | ● | ● | ● | ○ | ○ | ○ | ○ |
| Bicycle Parking | *Sec. 4.5.2.* | ○ | ● | ● | ● | ○ | ● | ○ | ○ |
| Vehicle Access | *Sec. 4.5.3.* | ○ | ● | ○ | ● | ○ | ○ | ○ | ○ |
| Vehicle Parking | *Sec. 4.5.4.* | ○ | ● | ● | ● | ○ | ○ | ○ | ○ |
| Vehicle Parking Design | *Sec. 4.5.5.* | ○ | ● | ● | ● | ○ | ○ | ○ | ○ |
| Other Vehicle Use Areas | *Sec. 4.5.6.* | ○ | ● | ● | ● | ○ | ● | ○ | ○ |
| Garage Design | *Sec. 4.5.7.* | ○ | ● | ● | ● | ○ | ○ | ○ | ○ |
| Utilities | *Div. 4.6* | ● | ● | ● | ● | ○ | ● | ● | ○ |
| Transitions | *Sec. 4.7.1.* | ○ | ● | ○ | ○ | ○ | ● | ○ | ○ |
| Transition Screens | *Sec. 4.7.2.* | ○ | ● | ● | ● | ○ | ● | ○ | ○ |
| Frontage Screens | *Sec. 4.7.3.* | ○ | ● | ● | ● | ○ | ● | ○ | ○ |
| Fences and Walls | *Div. 4.8* | ○ | ● | ○ | ● | ○ | ● | ● | ○ |
| Landscaping | *Div. 4.9* | ○ | ● | ● | ● | ○ | ○ | ○ | ○ |
| Environmental Sustainability | *Div. 4.10* | ○ | ● | ● | ● | ○ | ○ | ○ | ○ |
| Signs | *Div. 4.11* | ○ | ● | ● | ○ | ● | ● | ● | ○ |
| Outdoor Lighting | *Div. 4.12* | ○ | ● | ○ | ● | ○ | ○ | ○ | ○ |

**KEY:** ● = Standards generally apply ○ = Standards do not apply

B. Project activities are defined in *7.1.2. General Terminology and Measurements*.

C. Where a Section is listed as applying, all applicable standards must be met. The applicable standards may be further modified by the applicability provisions for each development standard. Applicability may also be modified by *Div. 5.3. Nonconformities*.

## 4.1.2. Development and Site Plan Requirements

### A. General Requirements

All projects must meet the standards of this Article, and any of the following standards outside of this Article that are applicable, including:

1. Charlottesville Development Code:
    a. Article 6, Subdivision;
2. Code of the City of Charlottesville:
    a. Chapter 10, Water Protection;
    b. Chapter 12, Fire Prevention Code;
    c. Chapter 28, Streets and Sidewalks; and
    d. Chapter 31, Utilities;
3. Other applicable laws, ordinances, policies and requirements of the City of Charlottesville, including the Standards and Design Manual; and
4. Provisions of the *Code of Virginia § 15.2-2240, et seq*.

### B. Standards and Design Manual

1. The City maintains a set of standard drawings on file illustrating details of construction and design of streets, stormwater drainage facilities, site improvements and other elements related to the development of land in accordance with this Development Code. These drawings are contained in the Standards and Design Manual.
2. To the extent that there is a conflict between the Standards and Design Manual and any other ordinance or law, the ordinance or law will take precedence.

# DIV. 4.2. DEVELOPMENT BONUSES

## 4.2.1. Existing Structure Preservation Bonus

### A. Intent

To provide an incentive for the preservation and rehabilitation of existing housing stock while implementing the affordable housing goals of the adopted Comprehensive Plan and Charlottesville Affordable Housing Plan.

### B. Applicability

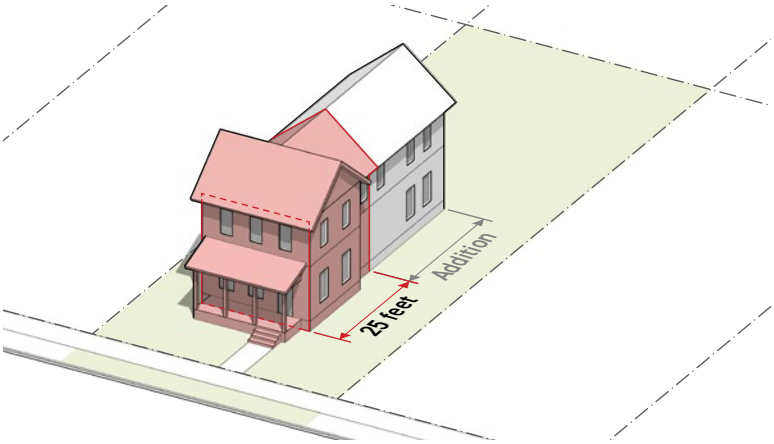
1. The existing structure bonus applies to any project within Residential A (R-A) or Residential B (R-B) zoning districts where a developer chooses to meet all of the standards of this Section in order to receive a density bonus to the maximum allowed dwelling units per lot.
2. Projects meeting all of the standards of this Section may build the maximum allowed dwelling units per lot specified by the Bonus - Existing Structure standard for each zoning district.

### C. Standards

1. To be considered an existing structure, a project must maintain the primary street-facing building facade and the exterior building envelope for a minimum distance of 25 feet behind the primary street-facing building facade. Interior reconfiguration in this area is permitted.
2. A project must maintain any existing entry features, such as a porch, raised entry, or forecourt.
3. Minor modifications to the exterior building envelope or entry features for repair or reconstruction are allowed when the modifications are the same or substantially similar to the design of the original structure, as determined by the Administrator.

### D. Measurement

The minimum required existing structure is measured starting from the exterior face of the primary street-facing building facade, continuing perpendicular to the primary street-facing building facade for the minimum required distance.



# 4.2.2. Affordable Dwelling Units

## A. Intent

1. To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality.
2. To ensure that any project choosing to include 10 or more residential units will implement the affordable housing goals of the adopted Comprehensive Plan and Charlottesville Affordable Housing Plan.
3. To provide an incentive for the development of residential projects of any size that implement the affordable housing goals of the adopted Comprehensive Plan and Charlottesville Affordable Housing Plan.

## B. Applicability

### 1. Affordable Dwelling Unit Requirement

a. Any project exercising the option to build 10 or more residential dwelling units must provide affordable dwelling units that meet the standards of this Section, except projects that meet one of the following exemptions.

b. The following projects are exempt from providing required affordable dwelling units:

i. Projects with 9 or fewer residential dwelling units; and

ii. Projects in zoning districts Residential A (R-A), Residential B (R-B), or Residential C (R-C).

### 2. Affordable Dwelling Unit Bonus

The affordable dwelling unit bonus applies to any project where a developer chooses to meet the standards of this Section in order to receive a bonus to the maximum allowed dwelling units per lot and the maximum allowed building height.

## C. Standards

### 1. General

All affordable dwelling units must meet the following requirements and the standards of the Affordable Dwelling Unit Monitoring and Procedures Manual:

a. **Term of Affordability**

i. For-rent affordable dwelling units must be income-restricted for a minimum of 99 years. Deed restrictions for affordable dwelling units must be recorded in the Charlottesville Land Records.

ii. For-sale affordable dwelling units must be sold to a qualified purchaser who earns 60% of the area median income or below. The dwelling unit must include a deed restriction granting the City of Charlottesville or a qualifying non-profit organization a right of first refusal to purchase the dwelling unit upon its first resale in accordance with the requirements of the Affordable Dwelling Unit Monitoring and Procedures Manual.

iii. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, the Administrator may accept modifications to these requirements consistent with the guidance of the Affordable Dwelling Unit Monitoring and Procedures Manual.

b. **Determining the Affordable Rent or For Sale Unit Cost**

i. Rental units are to be priced to be affordable to a household having a gross annual income at the required household income limit expressed in terms of the percent of AMI. Monthly housing costs, inclusive of rent, utilities, one parking space (where provided), and any other amenity cost, must not exceed 30% of the applicable household income limit. If utilities are separately metered, the maximum allowable rent will be reduced to reflect the tenant's payment of utilities. Maximum affordable rents based on Department of Housing and Urban Development (HUD) standards are provided in the Affordable Dwelling Unit Monitoring and Procedures Manual.

ii. For sale units are to be priced to be affordable to a household having a gross annual income at the required household income limit expressed in terms of the percent of AMI. The monthly housing costs, inclusive of mortgage principal and interest, private mortgage insurance, property taxes, condominium or homeowner's association fees, hazard insurance, and one parking space (where provided) must not exceed 30% of the applicable household income limit.

iii. For student housing rented by the bedroom, the per bedroom rent for units with two or more bedrooms, will be set to 60% of the affordable rent of an efficiency or 1-bedroom unit. Where utilities are separately metered, the utility allowance will be set at 60% of the utility allowance for an efficiency or 1-bedroom unit. For this section, student housing must use rental agreements that lease on a per bedroom basis and be located within ½-mile of the University of Virginia campus as determined by the Administrator.

iv. In the case of renters using a Section 8 voucher or other rental assistance program, the project may collect the fully allowed rental reimbursement amount even if the total rent for the unit exceeds the maximum allowable rent, so long as the household using the rental assistance is not paying more than 30% of the household's monthly income.

c. **Equivalency of Units**

i. Affordable dwelling units must reflect the composition of the overall project units in number of bedrooms, exterior appearance, and overall quality of construction.

ii. Affordable dwelling units must include the same interior features as the other units in the same building, but appliances and finishes need not be the same make, model, or style, so long as they are new and of good quality.

iii. Affordable dwelling units must be evenly distributed throughout the project and not concentrated on particular floors, building sides, or locations.

iv. Affordable dwelling units must be comparable in size to the other units with the same number of bedrooms. The average floor area of the affordable dwelling units must not be less than 80% of the average floor area of the other units with the same number of bedrooms.

v. All affordable dwelling units must have the same access to property amenities and building access points provided to other units.

vi. For projects containing at least 30% of units as affordable dwelling units meeting the term of affordability and determining the affordable rent or for sale unit cost requirements in *4.2.2.C. Standards* are not required to meet the equivalency of units requirements.

vii. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, the Administrator may accept modifications to the equivalency of units requirements consistent with the guidance of the Affordable Dwelling Unit Monitoring and Procedures Manual.

d. **Concurrency**

Affordable dwelling units are required to be built concurrently and proportionally with other units in the project. If a project is to be built in phases, affordable dwelling units must be developed during each phase until all affordable dwelling units have been constructed.

e. **Monitoring**

All affordable dwelling units used to meet the requirements of this Section are subject to an annual monitoring requirement as detailed in the Affordable Dwelling Unit Monitoring and Procedures Manual.

## 2. Affordable Dwelling Unit Requirement

a. Any project where affordable dwelling units are required must meet one of the following standards, or a combination of both of the standards:

i. A project must provide 10% of all residential units to households at or below 60% AMI; or

ii. Instead of constructing all of the units on-site, the developer must pay an in-lieu fee to the City in the amount determined based on the construction cost of building an ADU, as determined by the City. The costs are provided in the Affordable Dwelling Unit Monitoring and Procedures Manual.

b. **Fractional Units**

i. If the calculation of the required number of affordable dwelling units to be provided results in a fraction of a unit greater than or equal to 0.5, the project must provide one affordable dwelling unit.

ii. If the calculation of the required number of affordable dwelling units to be provided results in a fraction of a unit less than 0.5, the project may provide an affordable dwelling unit or pay the in-lieu fee according to the formula described in the Affordable Dwelling Unit Monitoring and Procedures Manual. The amount of fee is reduced to correspond to the percent of a unit required.

c. **Housing Choice Vouchers**

i. For every 3 ADUs that are required, at least one of those units must be made available to a household receiving a housing voucher or other rental assistance program.

## 3. Affordable Dwelling Unit Bonus

Any project where the developer chooses to meet the following standards is allowed to use the bonus specified by the zoning district:

### a. Bonus in Residential Districts

i. In Residential A (R-A), Residential B (R-B), and Residential C (R-C) zoning districts, a project must provide 100% of all bonus units to households at or below 60% AMI.

ii. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, the Administrator may accept modifications to the equivalency of units and concurrency requirements in *4.2.2.C. Standards*.

iii. Projects in the Residential A (R-A) district are exempt from the equivalency of units and concurrency requirements in *4.2.2.C. Standards*.

### b. Bonus in All Other Districts

i. In any zoning district other than Residential A (R-A), Residential B (R-B), and Residential C (R-C), a project must provide 10% of all residential units to households at or below 50% AMI or provide an in-lieu fee according to the formula described in the Affordable Dwelling Unit Monitoring and Procedures Manual.

ii. To qualify for the bonus height, a project must have a residential use for a minimum of 40% of the total floor area.

# DIV. 4.3. BLOCKS AND CONNECTIVITY

## 4.3.1. Intent

A. The intent of the standards for blocks is to facilitate the creation of a convenient, attractive, and harmonious community by providing a well-connected street network. Large blocks with limited connectivity discourage walking and contribute to traffic congestion. New streets may be designed to consider and accommodate future development.

B. The intent of the site access standards is to facilitate the creation of a convenient, attractive, and harmonious community, to provide safe and convenient vehicular and pedestrian access within projects and between adjacent projects, and to lessen traffic congestion by increasing connectivity. Pedestrian, bike, and vehicular access should be safe, direct, and convenient.

## 4.3.2. Blocks

### A. Applicability

1. Block standard requirements apply to all lots meeting any of the following standards:

    a. Projects or lots greater than 2 acres.

    b. Projects or lots greater than 600 feet in any dimension measured parallel or perpendicular to any abutting street.

2. The Administrator may waive block perimeter and block length requirements for portions of the site that abut and are located within 600 feet of obstructions to the street network that are permanent and inaccessible. Inaccessible obstructions include existing steep slopes in excess of 25%, limited access highways, railroads, utility easements that prohibit streets, and other similar obstructions where pedestrian access to the obstructing land use is unfavorable or prohibited, and the future provision of a complete block is infeasible.

3. The Administrator may increase maximum block length standards to 1,200 feet (with a corresponding increase in the maximum allowed block perimeter as necessary) for portions of the site that abut and are located within 600 feet of obstructions to the street network that are permanent and accessible. Accessible obstructions include public school campuses, public park land, waterways, stream buffers, cemeteries, and other similar obstructions.

### B. Standards

#### 1. Block Perimeter and Length

a. A block must be bound by public or private streets on all sides. The Administrator may allow once side of a block to abut a park or similar publicly accessible open spaces.

b. No project is permitted on a site having a block perimeter greater than 1,600 feet or a block length greater than 600 feet. Where the existing block perimeter is greater than the maximum allowed block perimeter or block length, projects must provide new streets to comply with the maximum block standards.

c. Where all lots on a block have alley access, the maximum block perimeter and block length may be increased by 25%.

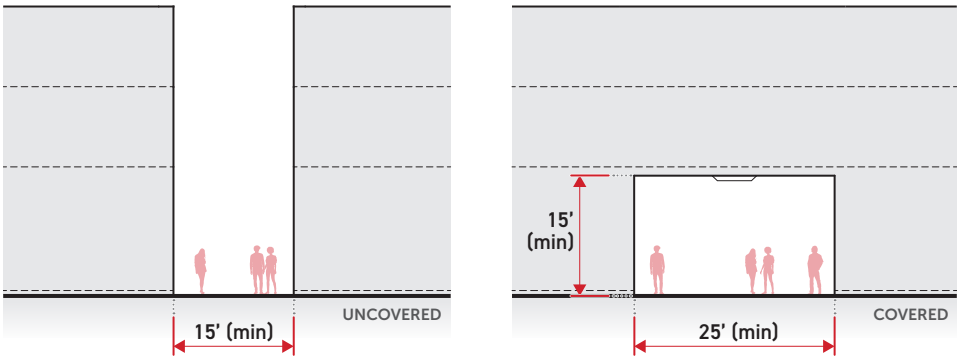
## 2. Mid-Block Pedestrian Passageways

a. Where the block is bisected by a pedestrian connection that meets the following standards, the maximum block perimeter and block length may be increased by 25%:

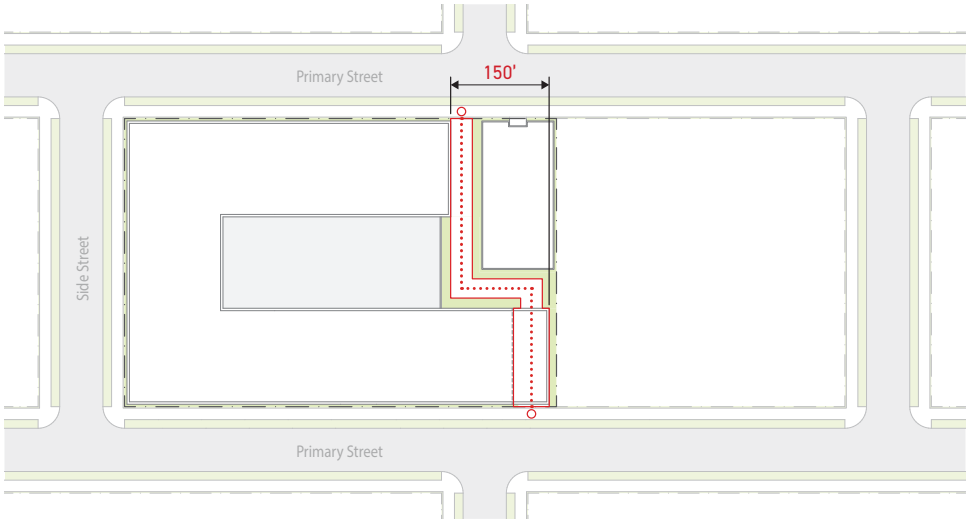
i. The pedestrian passageway must connect from the public sidewalk on the primary street through the lot to a publicly accessible sidewalk, alley, other public way, or easement abutting the opposing lot line.

ii. The pedestrian passageway may be uncovered or covered. Uncovered portions must be a minimum width of 15 feet and covered portions must be a minimum width of 25 feet.

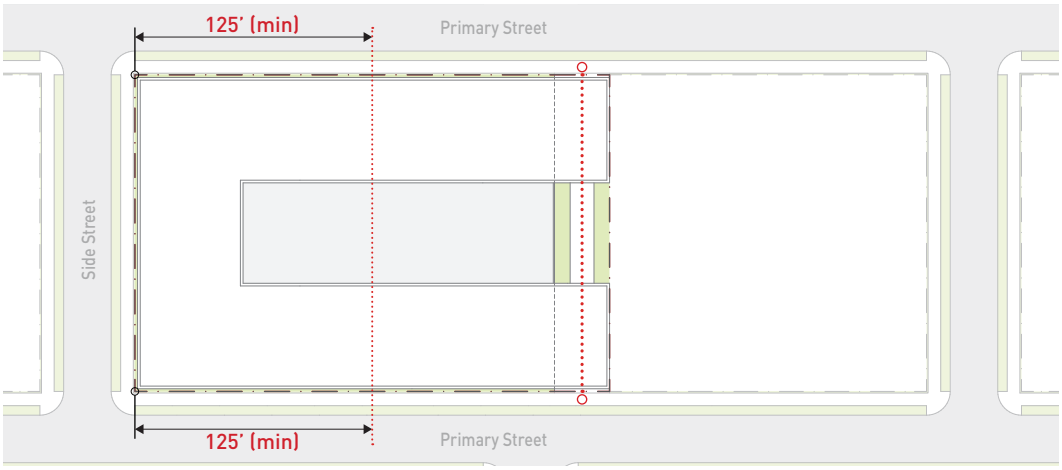
iii. The pedestrian passageway must have a minimum clear height of 15 feet, with the exception of required lighting and trees.




iv. A pedestrian passageway may vary up to 150 feet from the access point on the primary street~~, measured parallel to the primary street lot line~~.



v. Access to the pedestrian passageway must be located a minimum of 125 feet from the nearest street intersection, measured along the primary street.




vi. The pedestrian passageway must be physically separated from and uninterrupted by motor vehicle use areas, except where required to cross a drive-aisle. Drive-aisle crossings must be the shortest practical distance.

vii. The pedestrian passageway must be made permanently available to the general public, at no cost, between sunrise and sunset daily, or during the operating hours of the building, whichever would result in a longer period of time. No gates or other barriers may block any portion of the pedestrian passageway from pedestrian access during the required public hours.

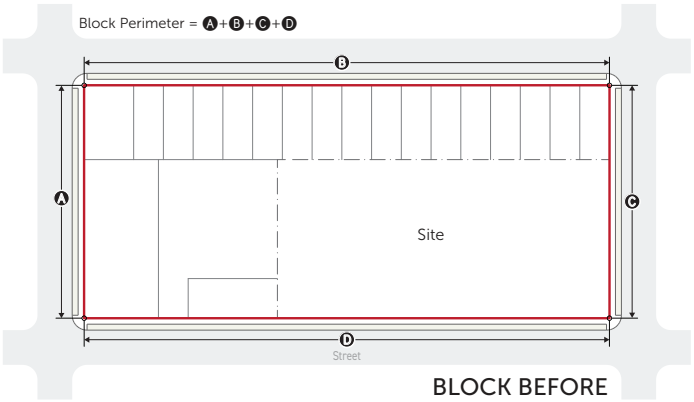
viii. A pedestrian passageway open to the general public before sunrise or after sunset must be illuminated in accordance with *Div. 4.12. Outdoor Lighting*.

b. Pedestrian passageways may count toward required outdoor amenity space when they meet the requirements of *2.10.4. Coverage*.

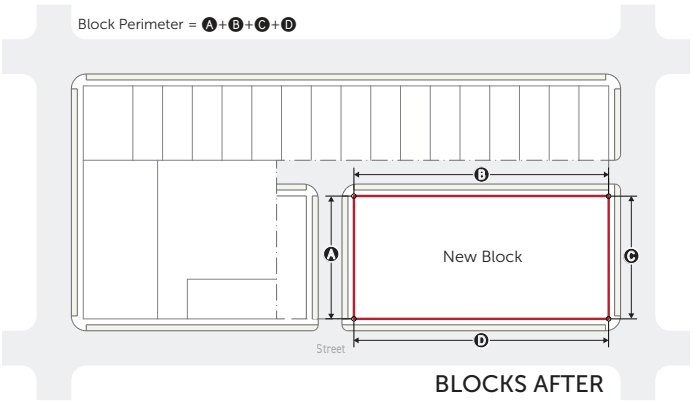
## C. Measurement

### 1. Block Perimeter

Block perimeter is the total length measured along all lot lines abutting a public or private street.



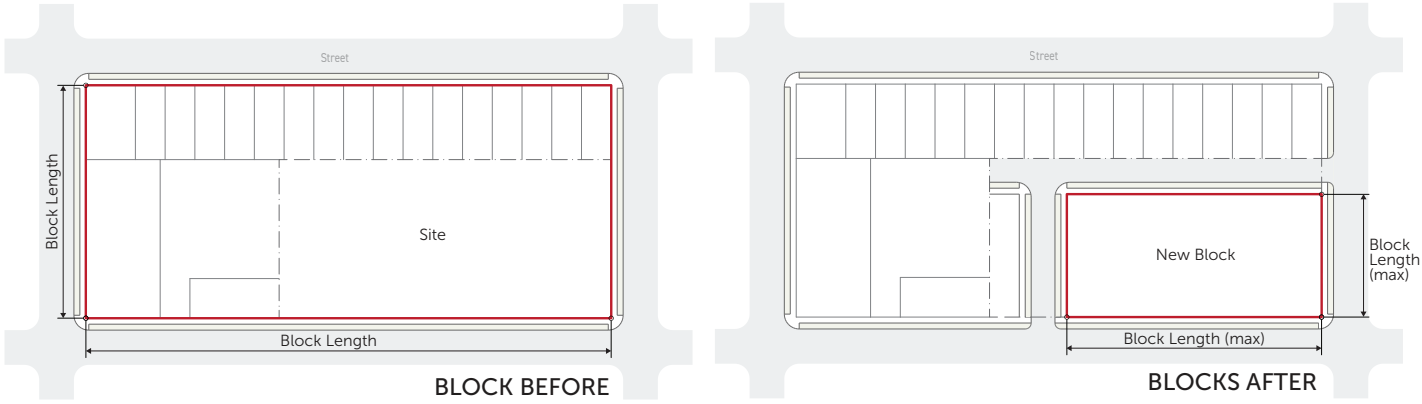

BLOCK BEFORE




BLOCKS AFTER

## 2. Block Length

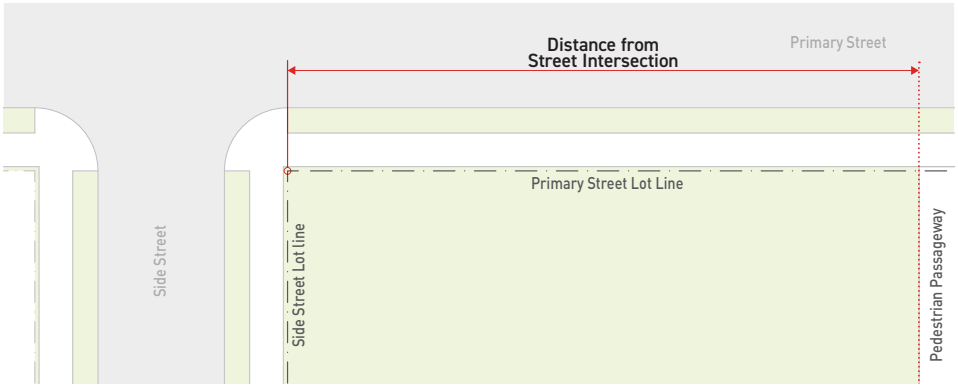
Block length is the length of each side of the block measured along each lot line abutting a public or private street along each block face.




## 3. Pedestrian Passageways

a. Pedestrian passageway width is measured from one edge of the designated passageway to the opposite edge of the passageway perpendicular to the street lot line.

b. Pedestrian passageway distance from street intersection is measured from the point where two street lot lines intersect adjacent to a street corner to the nearest edge of a required pedestrian passageway, measured along the street lot line.




c. Variation in a pedestrian passageway is measured parallel to the primary street lot line from one edge of the passageway access point to the furthest edge of the opposing passageway access point.

# 4.3.3. Site Access

## A. Applicability

1. Site access requirements apply to all lots.
2. Site access requirements apply to any subdivision, new construction, or site modification project requiring Development Review or Subdivision Review according to *Div. 5.2. Approval Processes*.
3. The Administrator may vary or waive site access requirements for portions of the site that abut obstructions to the street network that are permanent and inaccessible. Inaccessible obstructions include limited access highways, railroads, utility easements that prohibit access, environmentally sensitive areas such as streams, stream buffers, steep slopes, and floodplains, and other similar obstructions where pedestrian or vehicular access to the obstructing land use is unfavorable or prohibited, and the future provision of a street or cross-access is infeasible.
4. If the Administrator allows the site access requirements to be varied or waived, the following requirements apply:
    a. Streets must be constructed past the point at which the primary structures abutting the street would rely on the finished grade for landscaping and other improvements, but in no case less than 30 feet beyond the curb line on those lots;
    b. The project developer must dedicate the required right-of-way to the abutting property line, along with all easements required to allow the street connection to be constructed in the future;
    c. The required easements must prohibit any improvements being established within them;
    d. The project developer must provide a surety guarantee or escrow of funds for its share of the cost to complete the extension, where determined by the Administrator to be necessary. The type of surety guarantee or escrow will be acceptable to the City Engineer and approved by the City Attorney; and
    e. The Administrator may require the project developer to install and maintain a sign at the end of the constructed portion of the street stating that the street is a future through street, and that the sign must be maintained until the City grants final approval of an extension of the street to the abutting property.

## B. Connectivity

1. Where a new street is required, it must be developed in accordance with the standards in *Div. 4.4. Streets*, and engineering details in the Standards and Design Manual.
2. All new streets within a project must be extended to the abutting property lines to provide vehicular, bike and pedestrian interconnections to future development.
3. All new streets within a project must be coordinated with other existing or planned streets. New streets must intersect with existing streets at existing intersections, wherever practical, as determined by the Administrator.

4. If a project fronts on a dedicated, but unaccepted right-of-way, the project developer must construct the street in accordance with the standards of this Development Code and the Standards and Design Manual to provide access to the project.

5. Gated streets are not permitted.

## C. Cross-Access

All lots abutting a street other than a local street, according to the Street Regulating Map, must comply with the following standards:

1. Internal vehicular circulation areas must be designated and installed to allow for cross-access between abutting lots, whenever practical, as determined by the Administrator.

2. When cross-access is waived by the Administrator, bicycle and pedestrian connections must be provided between abutting properties, whenever practical, as determined by the Administrator.

3. Property owners who establish cross-access must:

    a. Allow pedestrians and vehicular access to all properties on the same block face as the property owner establishing the cross-access. Pedestrian and vehicular access is contingent upon the granting of reciprocal vehicular and pedestrian access rights to the granting property;

    b. Record an easement allowing cross-access to and from properties served by the cross-access easement;

    c. Record a joint maintenance agreement requiring each property owner to maintain the vehicular and pedestrian access areas on their lot;

    d. Contain a provision prohibiting the erection of fences, walls, gates, and other obstructions that prevent the use of vehicular and pedestrian accessways;

    e. Include a statement that the cross-access agreement is conveyed with the land, is binding on all successors, heirs and assigns and that the easement rights are perpetual; and

    f. The cross-access easement must be signed by all owners of the granting property.

## D. Stub Streets

1. Where land ownership prevents a through street, a street stub must be provided to enable a future through street connection. The street stub must meet the requirements of the Standards and Design Manual and the Fire Code.

2. If a street stub or previously designated cross-access point exists on an abutting parcel, the street network provided by any new project abutting the street stub must connect to the street stub and complete the alignment as a through street wherever practical, as determined by the Administrator.

# DIV. 4.4. **STREETS**

## 4.4.1. **Intent**

A. To facilitate the creation of a convenient, attractive, and harmonious community, facilitate transportation, and to provide for safe and convenient vehicular and pedestrian travel by providing standards for street types and design elements that reflect the character of different areas within the City, as referenced in the Standards and Design Manual.

B. To implement the transportation goals of the Charlottesville Comprehensive Plan for the safety of all transportation users throughout the City and create a network of streets, including streetscapes, that promotes an active public realm and creating safe and convenient facilities for pedestrians and bicyclists.

## 4.4.2. **Applicability**

A. When a project proposes the construction of a new street, whether public or private, the requirements of this Section will apply.

B. Existing streets may continue to serve existing development in their current configuration; however, they cannot be extended or substantially rebuilt except in conformance with this Division.

C. Existing streets must meet the streetscape requirements of this Section to the maximum extent feasible, as determined by the Administrator, for any new construction or addition projects with over 1,000 square feet of new floor area, and for site modifications impacting more than 2,000 square feet of land area.

## 4.4.3. **General Standards**

A. All new streets will be classified by the Administrator and must be developed in accordance with the dimensional standards in this Division and engineering details in the Standards and Design Manual.

B. Each new street must be configured to conform to the natural topography, to minimize the disturbance of critical slopes and natural drainage areas, to minimize the loss of trees, and to provide vehicular, bicycle and pedestrian interconnections within the project and to existing or future development on adjoining lands, to the extent practical.

C. New streets that do not align with existing streets must have an offset of at least 150 feet between centerlines, unless otherwise approved by the Administrator.

D. No more than 2 streets may intersect at any point, unless otherwise approved by the Administrator. Intersections must be laid out to intersect as nearly as possible at right angles.

E. Street intersections must provide adequate stopping sight distance, or sight distance triangles, that meet the requirements in the Standards and Design Manual.

F. The maximum allowable street grade is 8 percent. In areas with existing steep topography, the Administrator may allow grades of up to 10 percent.

G. Any new street must be surfaced to the width specified in the Standards and Design Manual,

measured from the face of the curb line or edge of pavement. The project developer is required to complete the construction of any new street, including installing the final surface within the boundaries of the project.

H. Streets that terminate temporarily, and that are located more than 300 feet in length from an intersection, or are proposed to serve more than 4 dwelling units, must be provided with a temporary turnaround. The temporary turnaround must be extended to the abutting property line. The temporary turnaround must exist until the street extension is accepted into the City's street system.

I. Alleys with a minimum width of 12 feet may be provided in the rear or side of any lot; however, no dead-end alleys are permitted. When the alley is the principal means of emergency access or access for service vehicles, it must have a minimum width of 20 feet.

J. Reserve strips restricting access from adjoining lands to an existing or future street or alley are not permitted.

K. All drainage improvements must be in accordance with the Standards and Design Manual.

## 4.4.4. Street Names

A. The proposed name of a street must be approved by the Administrator.

B. New street names must not duplicate too closely or approximate the name of any existing street within the City or Albemarle County.

C. When a new street is planned as a continuation of an existing street, it must have the same name as the existing street.

## 4.4.5. Streetscape Standards

### A. General Standards

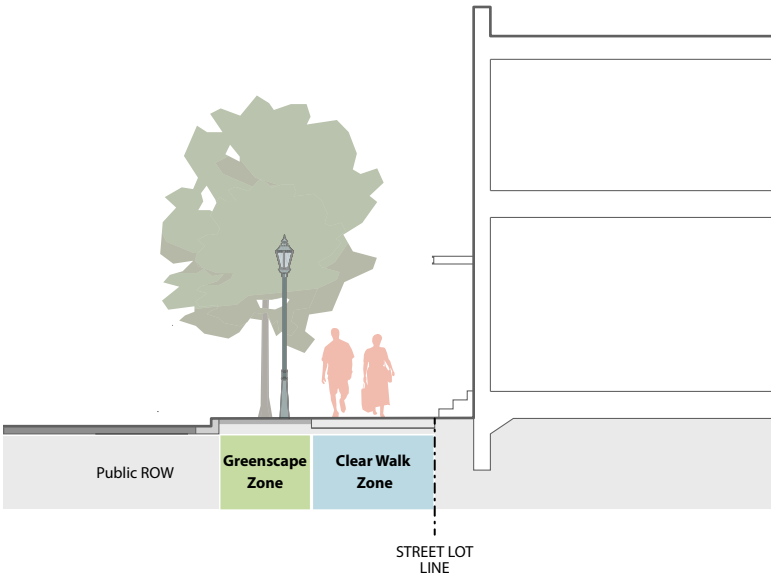
1. Continuous streetscapes must be provided along all existing and future streets based on the street classification on the Street Typology Map, in accordance with the following table and the Standards and Design Manual:

| | Width (min) | |
|---|---|---|
| **Street Classification** | **Clear Walk Zone** | **Greenscape Zone** |
| Mixed Use A | 7′ | 8′ |
| Mixed Use B | 7′ | 6′ |
| Downtown | 6′ | 8′ |
| Industrial | 6′ | 6′ |
| Neighborhood A | 6′ | 5′ |
| Neighborhood B | 6′ | 5′ |
| Local | 6′ | 5′ |

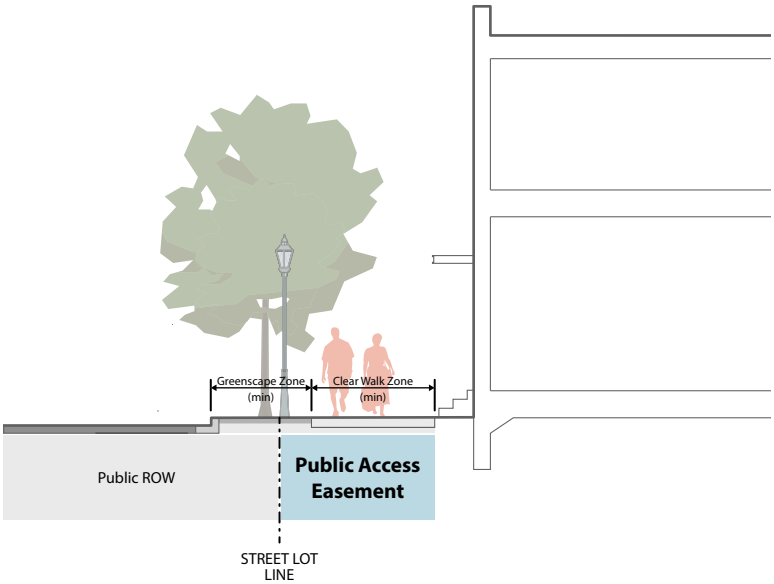
2. Streetscapes must consist of a clear walk zone and a greenscape zone.

   a. The clear walk zone is the area between the street lot line and the greenscape zone. The clear walk zone primarily consists of a sidewalk that is reserved for pedestrian travel.

b. The greenscape zone is the area between the public right-of-way and the clear walk zone. The greenscape zone generally includes landscaping, street furniture, and utilities.




3. Where there is not enough room in the public right-of-way for the required streetscape, the clear walk zone and greenscape zone must be provided on-site as a permanent public access easement.




4. In areas with existing underground utilities that conflict with the requirements of this Division, the Administrator may allow for alternative configurations of the clear walk zone and greenscape zone. Alternative configurations may include any of the following:

   a. Meeting the clear walk zone and greenscape zone requirements to the maximum extent possible due to existing physical challenges of the project site; or

   b. Meeting the design standards specified by cross-sections in the Standards and Design Manual for the same street classification.

5. Streetscapes proposed to be accepted for maintenance by the City must be marked on a plat as being "dedicated to the City for public use," and where practical, must be located within the dedicated right-of-way for a public street. Each streetscape proposed to be privately maintained must be conveyed to a homeowners association or other private individual or entity, for ownership and perpetual maintenance, and must be located outside the dedicated right-of-way for a public street.

## B. Clear Walk Zone

1. No required clear walk zone may have a horizontal dimension narrower than the minimum width specified by this Division. The clear walk zone must remain clear of obstacles at all times and must be constructed to comply with all City and ADA specifications.
2. Utility poles, street lights, and Fire Department utilities cannot be located in a clear walk zone.
3. Below-grade utility meters and structures are permitted in the clear walk zone provided they do not create an obstacle to pedestrians.

## C. Greenscape Zone

1. No required greenscape zone may have a horizontal dimension narrower than the minimum width specified by this Division.
2. Greenscape trees must be provided in all greenscape zones in accordance with the following standards:
    a. All required greenscape trees and their planting areas must comply with *Div. 4.9. Landscaping* and tree planting requirements in the Standards and Design Manual, Master Tree List, and Best Management Practices for Tree Preservation, Transplanting, Removal, and Replacement Manual.
    b. Required greenscape trees must be large trees and must be planted every 30 feet on-center, on average. Tree spacing may vary to accommodate driveways, utilities, and other potential conflicts, provided no large greenscape tree is planted closer than 20 feet from another tree.
    c. When required to be planted under an overhead utility line, required greenscape trees may be small or medium trees and must be planted every 15 feet on-center, on average. Tree spacing may vary to accommodate driveways, utilities, and other potential conflicts, provided no small or medium greenscape tree is planted closer than 10 feet from another tree.
    d. The minimum number of greenscape trees required along each street is calculated by dividing the length of the street lot line by the minimum tree spacing.
3. The following elements are permitted in the greenscape zone subject to approval by the Administrator:
    a. Public transit shelters, benches, waste receptacles, bicycle racks, and residential mailboxes;
    b. Utility lines and poles, utility boxes and meters, manholes, regulatory signs, and fire hydrants;
    c. Pedestrian and street lighting; and
    d. Landscaping, sidewalks, trees, stormwater elements, and planters.

4. Elements in the greenscape zone must meet spacing and location requirements of the Standards and Design Manual.

5. Elements in the greenscape zone must meet visibility requirements at driveways and intersections in the Standards and Design Manual.

6. The greenscape zone must be designed to preserve existing trees to the greatest extent feasible.

## D. Existing Streetscapes

1. In areas with predominant patterns of existing streetscapes that conflict with the requirements of this Division, where a project's primary or side street lot line is less than 100' in length, the Administrator may allow for streetscapes to be constructed to match existing clear walk zone and greenscape zone configurations.

2. Where existing streetscapes are determined to be in good condition by the Administrator, they may be used to comply with clear walk zone and greenscape zone requirements provided they comply with all standards in this Division.

3. In Residential (R-) zoning districts, when the project fronts on an existing street and adjacent property on either side of the project does not have an existing streetscape, the Administrator may allow the project developer to contribute to a streetscape fund, maintained and administered by the City, an amount equivalent to the cost of the dedication of land for and the construction of the streetscape on the property.

## E. Exceptions

The Administrator may vary or waive streetscape requirements. A request to vary or waive the requirements of this Section must be made prior to or with the submittal of a Development Plan or Preliminary Plat. The request must include a written statement of the justification of the request. In reviewing a request, the Administrator must consider each of the following criteria that are applicable to the request:

1. Whether a surface other than concrete is more appropriate for the project because of the character of the proposed project and the surrounding neighborhood;

2. Whether sidewalks on only one side of the street may be appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, tree cover, or wetlands, or because lots are provided on only one side of the street;

3. Whether the sidewalks can reasonably connect into an existing or future pedestrian system in the area;

4. Whether the length of the street is so short and the density of the project so low that it is unlikely that a sidewalk would be used to an extent that it would provide a public benefit;

5. Whether an alternate pedestrian system, including an alternative pavement, could provide more appropriate access through the project and to adjoining lots, based on a proposed alternative profile submitted by the project developer;

6. Whether the sidewalks would be publicly or privately maintained;

7. Whether the waiver promotes the goals of the Comprehensive Plan, including any applicable neighborhood plan; and

8. Whether waiving the requirement would enable a different principle of the neighborhood plan to be more fully achieved.

# DIV. 4.5. ACCESS AND PARKING

## 4.5.1. Pedestrian Access

### A. Intent

To provide for safe and convenient pedestrian travel by:

1. Improving pedestrian access from the public realm to the interior of buildings;
2. Ensuring that required entrances are conveniently and effectively accessible to pedestrians; and
3. Activating the public realm with building access points and improved convenient pedestrian circulation through large sites to an extent and frequency appropriate to the context.

### B. Applicability

Pedestrian access standards apply to all lots based on the requirements for the zoning district listed below.

#### 1. Pedestrian Connection Types

| | Pedestrian Access Type |
|---|---|
| **Residential** | |
| All R- districts | Type 2 |
| **Residential Mixed Use** | |
| All RX- districts | Type 2 |
| **Corridor Mixed Use** | |
| All CX- districts | Type 1 |
| **Node Mixed Use** | |
| All NX- districts | Type 1 |
| DX | Type 1 |
| **Industrial** | |
| All IX- districts | Type 2 |
| **Special** | |
| All special districts | Type 2 |

#### 2. Site Access

Site access standards apply to all street-facing entrances required by the zoning district, based on requirements in *2.10.13. Entrances*. Site access standards do not apply to non-required entrances.

### C. Standards

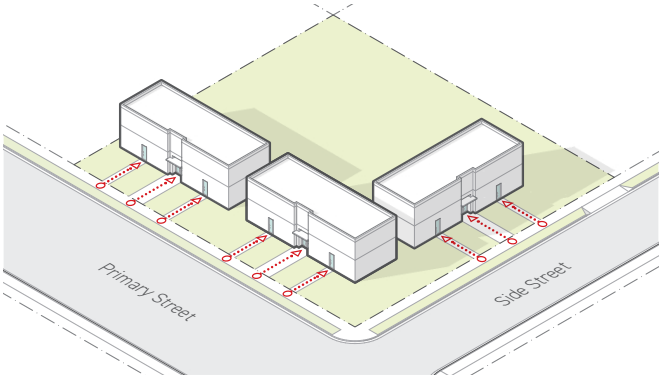
#### 1. General

All pedestrian access standards must conform to the material standards and engineering details of the Standards and Design Manual.

## 2. Pedestrian Connection Types

### PEDESTRIAN ACCESS TYPE 1

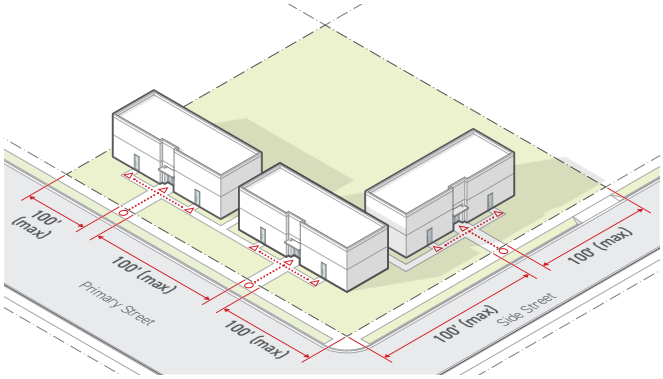
Intended to ensure buildings are highly integrated with the surrounding public realm and to promote walking as a safe and convenient mobility option to improve connectivity through large sites.




| ACCESS STANDARDS | |
|---|---|
| Pedestrian accessway type | Direct |
| Pedestrian accessway spacing (max) | See District Entrance Standards |
| Distance from street intersection (max) | See District Entrance Standards |

### PEDESTRIAN ACCESS TYPE 2

Intended to ensure buildings are conveniently accessible from the public realm and to promote walking as a safe and convenient mobility option to improve connectivity through large sites.




| ACCESS STANDARDS | |
|---|---|
| Pedestrian accessway type | Linked |
| Pedestrian accessway spacing (max) | 100' |
| Distance from street intersection (max) | 100' |

## 3. Site Access

### a. Pedestrian Accessway Type

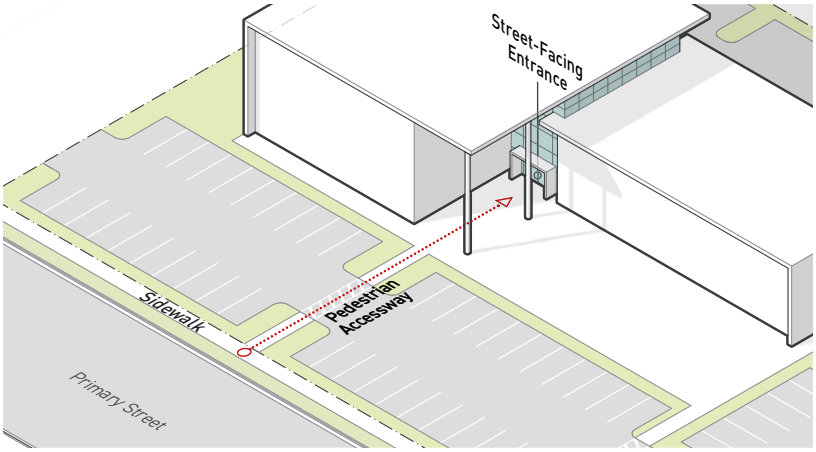
#### i. Linked

a) Linked pedestrian accessways must connect to the sidewalk, multi-use trail, or other publicly accessible pedestrian-facility along the street lot line, to a required street-facing entrance.

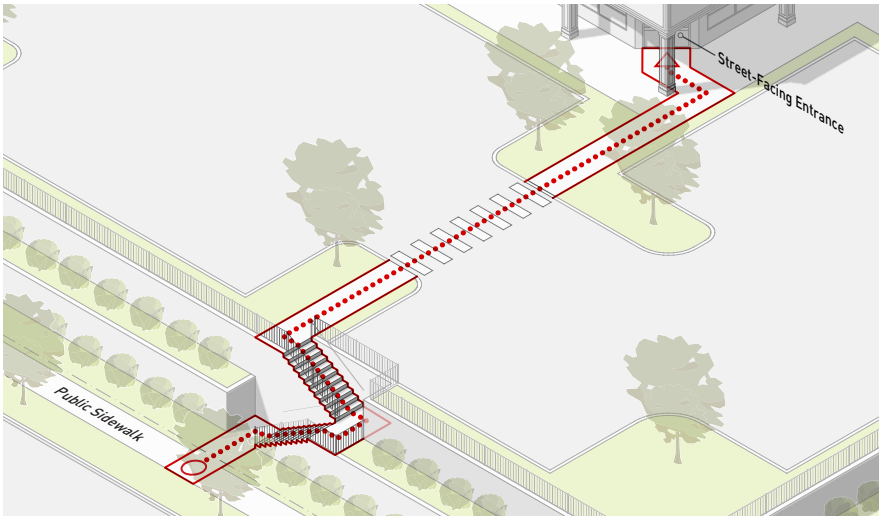
b) The accessway must be at least 4 feet wide.

c) The finished surface must be stable, firm, and slip resistant in accordance with ADA floor surface standards.

d) The accessway must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive aisle crossings must be the shortest practical distance.




e) Where a retaining wall, open drainage, or similar obstacle interrupts a required accessway, the connection must be designed to facilitate passage through or over the obstacle. If the connection is not ADA compliant, a separate, compliant accessway must be provided unless the Administrator determines that a separate compliant accessway is not feasible.

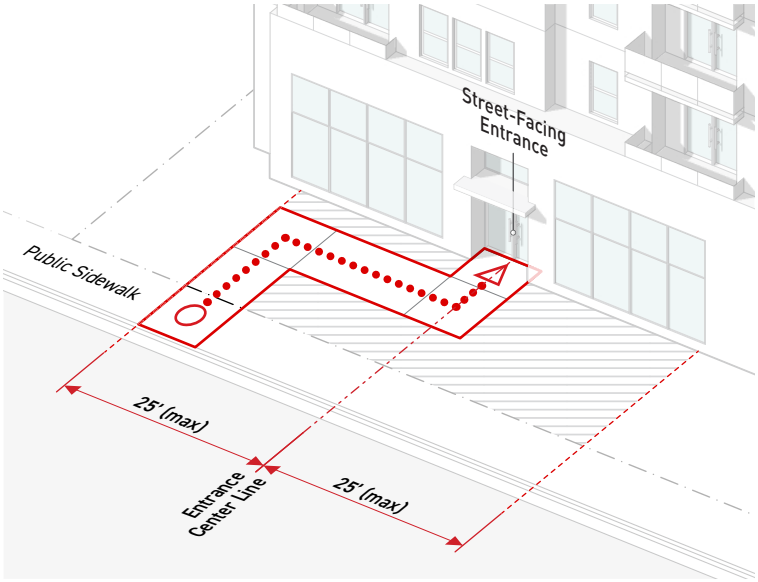


ii. **Direct**

a) Direct pedestrian accessways must comply with all linked pedestrian accessway standards above in addition to the standards below.

b) A minimum of one pedestrian accessway must be provided to each street-facing entrance required by the zoning district.

c) The connection to the public sidewalk must be within 25 feet of the center of the street-facing entrance, measured parallel to the applicable lot line.




b. **Pedestrian Accessway Spacing**

A required pedestrian accessway must not be separated from another pedestrian accessway or the end of a street lot line by a distance greater than the maximum allowed pedestrian accessway spacing.

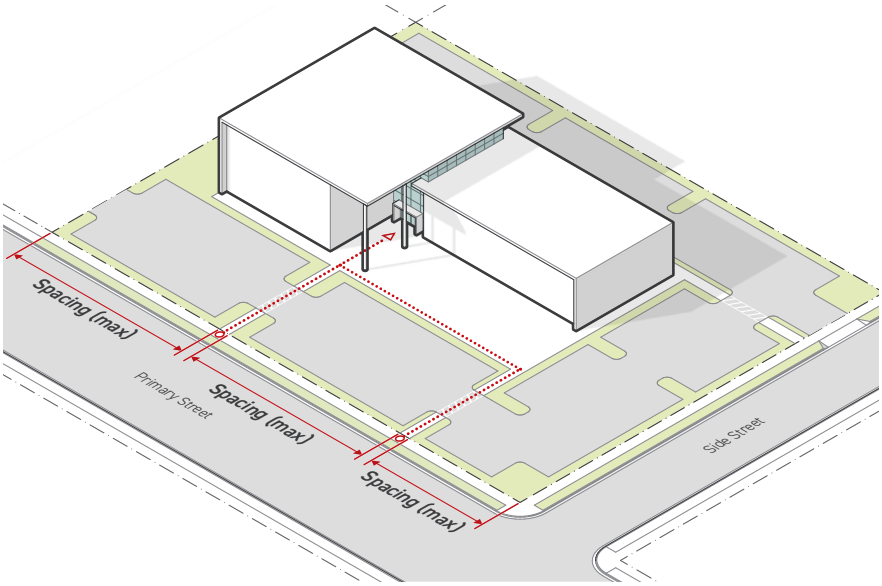
c. **Distance from Street Intersection**

A required pedestrian accessway must not be separated from a street intersection by a distance greater than the maximum allowed distance from street intersection standard.

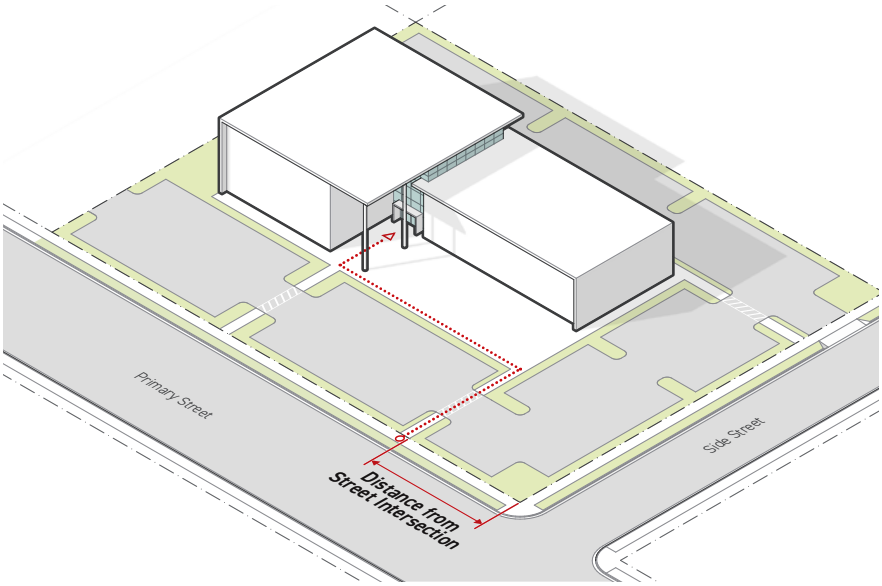
## D. Measurement

1. Pedestrian accessway width is measured from one edge of the accessway perpendicularly to the opposite edge.

2. Pedestrian accessway spacing is measured as the distance between pedestrian accessways measured following the geometry of the street lot line from the end of the lot line to the edge of the pedestrian accessway and from the edge of the pedestrian accessway to the edge of the adjacent pedestrian accessway.




3. Pedestrian accessway distance from a street intersection is measured from the intersection of two street lot lines to the nearest edge of a pedestrian accessway measured along the street lot line.



# 4.5.2. Bicycle Parking

## A. Intent

To facilitate transportation and to provide for safe and convenient vehicular travel by promoting bicycling as an alternative to motor vehicle transportation and help ensure safe, secure, accessible, and convenient storage of bicycles for all users.

## B. Applicability

1. All allowed uses in *Div. 3.2. Use Permissions*.
2. Projects with 1 to 4 dwelling units are not required to provide short-term or long-term bicycle parking.
3. Dwelling units with individually accessed private garages are not required to provide long-term bicycle parking.

## C. Standards

### 1. Required Bicycle Parking

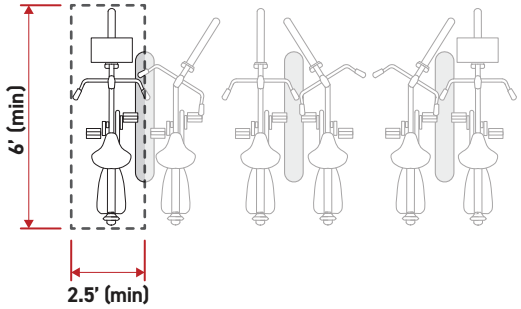
Bicycle parking must be provided in accordance with the following table:

| | Spaces Required (min) | |
|---|---|---|
| **Uses** | **Short-Term Spaces** | **Long-Term Spaces** |
| **Residential** | | |
| Household living | 1 / 10 units, 2 min | 1 / units |
| Group Living | 1 / 6 beds, 2 min | 1 / 3 beds |
| **Public, Civic, and Institutional** | | |
| All uses | 1 / 5,000 SF of gross floor area, 2 min | 1 / 10,000 SF of gross floor area, 2 min |
| **Commercial** | | |
| All uses | 1 / 2,500 SF of gross floor area, 2 min | 1 / 5,000 SF of gross floor area, 2 min |
| **Industrial** | | |
| All uses | 1 / 10,000 SF of gross floor area, 2 min | 1 / 5,000 SF of gross floor area, 2 min |

## 2. Bicycle Facilities

### a. General

i. Bicycle parking spaces must be a minimum of 2.5 feet wide and 6 feet long.




ii. Bicycle parking must be placed at least 3 feet from all obstacles such as walls, fences, and curbs to provide clear and maneuverable access. Racks must be placed so that each required bicycle parking space is accessible without moving another bicycle.

iii. When bicycle parking is located adjacent to a sidewalk, the bicycle parking space must not encroach into or obstruct the minimum required sidewalk.

iv. Bicycle parking must consist of bicycle racks that support the bicycle frame at two points.

v. Racks must allow for the bicycle frame and at least one wheel to be locked to the rack.

vi. If bicycles can be locked to each side of the rack, each side is counted as a required space.

vii. Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Gravel, landscape stone, or wood chips are not acceptable surfaces. Racks must be securely anchored to a permanent surface.

viii. Bicycle parking must be provided in a well-lit area.

### b. Short-Term Bicycle Parking

i. Short-term bicycle parking must be publicly accessible and located on-site or in an area within 100 feet from the building containing the use it serves.

ii. Short-term bicycle parking may be located within the public street subject to approval of an encroachment permit for use of the public street.

iii. Business operators or property owners who choose to install bicycle parking within the public street are responsible for maintaining the racks.

iv. Any site located within 500 feet of a City-funded bicycle corral may count up to 2 bicycle parking spaces within the bicycle corral toward the site's required short-term bicycle parking.

c. **Long-Term Bicycle Parking**

i. Long-term bicycle parking offers a secure and weather-protected place to park bicycles for employees, residents, commuters, and other visitors who generally stay at a site for several hours.

ii. Long-term bicycle parking is required to be covered and must be one of the following:

a) A locked room;

b) A bicycle locker;

c) An area enclosed by a fence with a locked gate;

d) An area within view of an attendant or security guard or monitored by a security camera; or

e) An area visible from employee work areas.

iii. Long-term bicycle parking must provide electrical outlets to serve at least 25% of the required number of spaces.

iv. The bicycle parking area must be located on-site or in an area within 200 feet of the building it serves.

## D. Measurement

1. When the application of these regulations results in a fraction, fractions of ½ or more are counted as one space.

2. Distance is measured in walking distance along the centerline of a sidewalk, walkway, or path from the nearest point of the bicycle rack to the primary entrance of the use served.

# 4.5.3. Vehicle Access

## A. Intent

To facilitate transportation and to provide for safe and convenient vehicular and pedestrian travel by ensuring motor vehicle access is designed to support the safety of all users by minimizing conflicts with pedestrians, cyclists, transit vehicles, micro-mobility devices, and motor vehicles on the abutting public street and to avoid detrimental effects on the surrounding public realm, while providing sufficient access to vehicle parking and other motor vehicle use areas.

## B. Applicability

Any lot that provides access to motor vehicles must follow the vehicle access standards.

## C. General Standards

1. All vehicle access designs must be approved by the Administrator and must conform to the provisions of the Standards and Design Manual.
2. All existing and proposed projects that provide on-site parking or loading must provide a satisfactory means of vehicle access to and from a street or alley.
3. A permit is required for cutting of the curbing or pavement of a public street to provide vehicle access to a property. A driveway may only be installed with a permit issued by the City.

## D. Design Standards

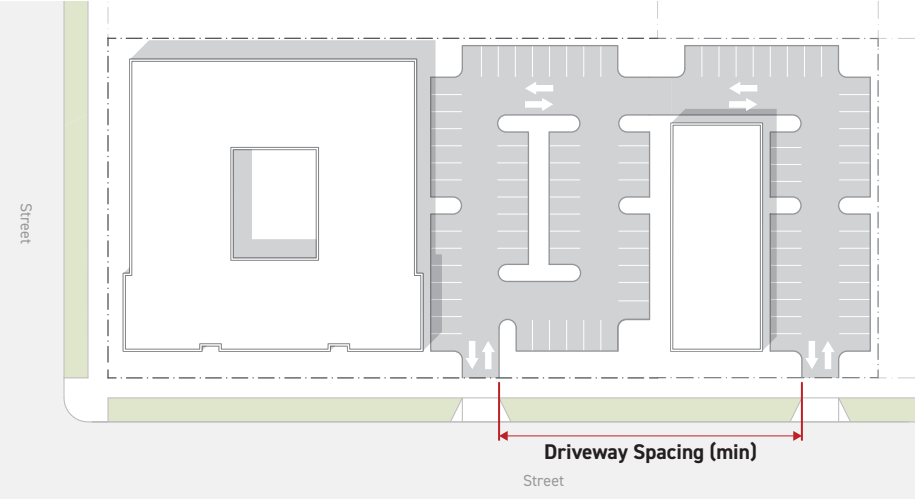
### 1. General

a. When a driveway is provided, it must meet the following design and spacing standards:

i. Every lot is limited to one driveway, unless additional driveways are permitted by the Administrator.

ii. Spacing between driveways on abutting parcels should be such that driveways are not immediately adjacent to one another.

iii. For driveways serving parking lots or structures with 6 or more spaces, minimum spacing between driveways must be no less than 100 feet, unless otherwise permitted by the Administrator.




iv. When a lot is adjacent to a primary and side street without an alley, vehicle access must be placed along the side street unless otherwise permitted by the Administrator.

v. When an improved alley exists or is proposed by the project, motor vehicle access must take place from the alley unless otherwise permitted by the Administrator.

vi. Motor vehicle access may be shared between abutting lots, provided an easement, deed restriction, or other similar agreement acceptable to the City is provided.

vii. Driveways must meet the following lane design standards:

| | Number of lanes per driveway (max) | Lane width (min/max) | |
|---|---|---|---|
| | | Primary Street | Side Street |
| Driveway serving up to 6 parking spaces | 1 | 8′ / 10′ | 8′ / 20′ |
| Driveway serving 7 to 50 parking spaces | 2 | 8′ / 11′ | 8′ / 11′ |
| Driveway serving more than 50 parking spaces | 2 | 8′ / 12′ | 8′ / 12′ |
| Driveway Serving an Industrial Use | 2 | 12′ / 20′ | 12′ / 20′ |

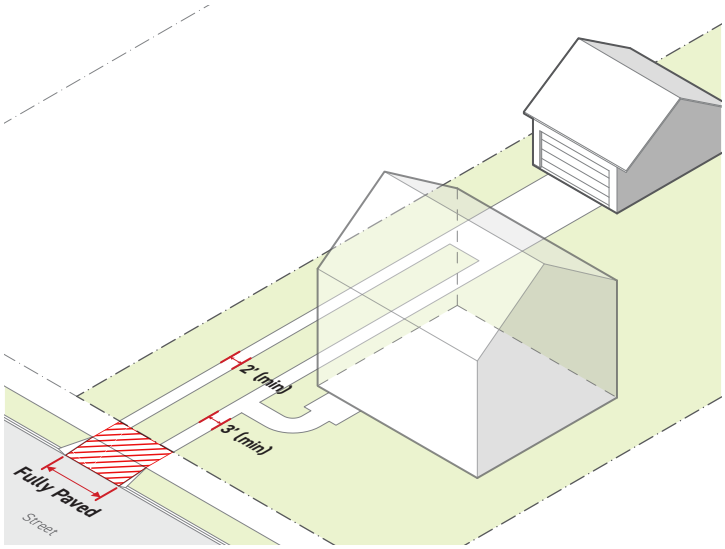
b. The Administrator may waive or vary the design standards as indicated in this Section based on existing conditions, physical considerations unique to the particular site, and consideration for specific vehicle access needs for the proposed use.

## 2. Ribbon Driveways

a. For driveways serving up to 6 on-site parking spaces, a ribbon driveway is allowed as an alternative to a fully-paved driveway.

b. The concrete strips in a ribbon driveway must be at least 2 feet in width. When the ribbon is also used as a walkway, the width of the strips must be increased to at least 3 feet.

c. Within the right-of-way, the driveway must be fully paved along its total width.



# 4.5.4. Vehicle Parking

## A. Intent

To reduce parking demand, support the use of alternative forms of transportation, promote reuse and redevelopment of existing buildings, reduce the overall cost of construction and development, and increase the overall efficiency and use of taxable land within the City.

## B. Applicability

All allowed uses in *Div. 3.2. Use Permissions*.

## C. Standards

### 1. General

Off-street parking is not required. However, any project with over 50,000 square feet of gross floor area must submit a Traffic Demand Management (TDM) plan, prepared by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field, to be approved by the Administrator. A TDM plan must include the following:

a. The anticipated travel demand for the project.

b. How the anticipated travel demand for the project will be met on-site or off-site, including:

i. Number of on-street vehicle parking spaces, off-street vehicle parking spaces, or shared vehicle parking arrangements. If provided, parking ratios should be specified for each group of proposed uses.

ii. Number of short-term and long-term bicycle parking spaces.

iii. Accommodations for pedestrians, cyclists, motorists, transit riders, and the mobility-impaired.

iv. The strategies that will be employed to reduce single-occupancy vehicle trips, reduce vehicle miles traveled by site users, and promote transportation alternatives such as walking, cycling, ride-sharing, and transit.

v. The modal share objectives that will be sought from the implementation of TDM strategies.

c. TDM strategies include, but are not limited to, the following:

i. New or enhanced infrastructure to improve pedestrian and bicyclist safety and comfort.

ii. Walking, cycling, ride-sharing, and transit promotion and education.

iii. Parking cash-out programs or unbundling parking/market rate pricing.

iv. Shared parking arrangements.

v. Enhanced bicycle parking and services (above the minimum requirement).

vi. Support for car-share and bike-share services and facilities.

vii. Carpooling or van-pooling programs or benefits.

viii. Free or subsidized commuter transit passes, transit-to-work shuttles, or enhanced transit facilities (such as bus shelters).

ix. Guaranteed ride home (GRH) programs.

x. Provisions for alternative work schedules (such as flex-time, compressed work week, staggered shifts, or work from home).

xi. Promotion of "live near your work" programs.

d. In evaluating a TDM plan, the Administrator must consider the following:

i. The extent to which the project includes performance objectives to minimize single-occupancy vehicle trips and maximize the use of transportation alternatives to the extent practicable, taking into account the opportunities and constraints of the site and nature of the project.

ii. The extent to which the project meets the anticipated transportation demand without placing an unreasonable burden on public infrastructure, such as transit and on-street parking facilities, and the surrounding neighborhood.

## 2. Accessible Parking

Accessible parking spaces must be provided in accordance with the Accessibility requirements of the *Code of Virginia*.

## 3. Electric Vehicle Charging

Where a parking lot with 6 or more spaces is provided, 20% of the parking spaces must be equipped with conduit and electrical capacity to accommodate the installation of electrical vehicle charging equipment.

## 4. Reserved Parking

Parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded.

a. **Residential Uses**

i. No more than 1 space per efficiency or 1-bedroom dwelling unit or live-work unit may be reserved.

ii. No more than 2 spaces per 2-bedroom dwelling unit or live-work unit may be reserved.

b. **Nonresidential Uses**

No more than ⅓ of the total provided spaces may be reserved.

# 4.5.5. Vehicle Parking Design

## A. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by ensuring parking lots are designed to create safe, comfortable, and attractive environments for vehicular and pedestrian travel, while also mitigating negative environmental effects through landscaping and surface design.

## B. Applicability

1. Where a parking lot with 6 or more spaces is provided, the parking lot must meet the standards of this Section. A parking lot is considered a parking area that has no building or parking floor area below or above it.

2. Where a parking structure is provided, the parking structure must meet the standards of this Section. A parking structure is considered a building that includes parking uses, including parking garages and integrated podium parking.

## C. Standards

### 1. General

a. All portions of a parking lot must be accessible by vehicles to all other portions of the parking lot without requiring the use of a street, except for an alley. Parking structures may use a street to access different levels of the structure.

b. Each parking space must be located so that no vehicle is required to back onto any sidewalk or street, except for an alley, to leave the parking space.

c. Full and permanent parking space delineation is required. Delineation may include striping, wheel stops, curbing, or other similar permanent material which can clearly define and delineate parking spaces. Full parking space delineation means clear markings for all three sides of a space.

### 2. Spaces and Drive Aisles

a. Parking spaces and drive aisles must meet the following minimum dimensions:

| | Standard Space | | Compact Space | | One-Way Drive | | Two-Way Drive | |
|---|---|---|---|---|---|---|---|---|
| Angle | Width | Length | Width | Length | Drive Aisle | Bay Width | Drive Aisle | Bay width |
| **0°** | 8′ | 20′ | 8′ | 18′ | 10′ | 18′ | 20′ | 36′ |
| **60°** | 8.5′ | 20′ | 8′ | 20′ | 14′ | 54′ | -- | -- |
| **90°** | 8.5′ | 18′ | 8′ | 16′ | -- | -- | 22′ | 58′ |

b. Compact parking spaces may be used in place of a standard size space when the following requirements are met:

i. The total number of compact car spaces must not exceed 30% of the total number of provided parking spaces.

ii. All compact parking spaces are clearly and visibly designated and striped.

### 3. Lighting

Parking lot and parking structure lighting must meet the standards in *Div. 4.12. Outdoor Lighting.*

### 4. Electric Vehicle Charging Equipment

a. Electric vehicle charging equipment, including pedestals, bollards, or cables, must not encroach into drive aisles or pedestrian walkways.

b. Electric vehicle charging equipment must not contain advertising signs visible from a street.

c. Transformers and other utility equipment associated with electric vehicle chargers must be screened from the street according to *4.7.3. Frontage Screens*.

### 5. Parking Lot Surfacing and Curbing

a. All parking areas including drive aisles must be fully paved and constructed with concrete, asphalt, paving blocks, pervious surfacing or other similar materials intended for outdoor vehicle use.

b. All parking areas must be graded and drained to collect, retain, and infiltrate surface water on site. See the Standards and Design Manual for additional details.

c. Continuous curbing that is at least 6 inches in height or wheel stops that are at least 4 inches in height must be installed around the perimeter of all parking and landscaped areas. Curbing must be constructed of continuous concrete, granite, or other approved material of similar durability and appearance, and must contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area. Where wheel stops are used, they must be placed a minimum of 2½ feet from the head of parking spaces.

d. Where a parking space abuts a landscaped island, the Administrator may allow the front 2 feet of the required parking space length to overhang the landscaped island, provided a wheel stop is installed.

### 6. Parking Lot Landscaping

a. **General**

i. All parking lot landscape areas must be installed to maximize stormwater runoff capture according to the Standards and Design Manual.

ii. All landscaping must be installed according to *Div. 4.9. Landscaping*.

b. **Perimeter Landscaping**

i. A transition screen may be required between the vehicle use area and a common lot line, see *4.7.2. Transition Screens* for requirements.

ii. A frontage screen may be required between the vehicle use area and street lot line, See *4.7.3. Frontage Screens* for requirements.

c. **Interior Landscaping**

i. **Interior Islands**

a) No more than 10 consecutive parking spaces may be provided without a landscape interior island.

b) Interior islands must be distributed evenly throughout the parking lot. Interior islands may be consolidated or intervals may be expanded with the permission of the Administrator, in order to preserve existing trees.

c) An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 150 square feet in area. Each island must include at least 1 large tree.

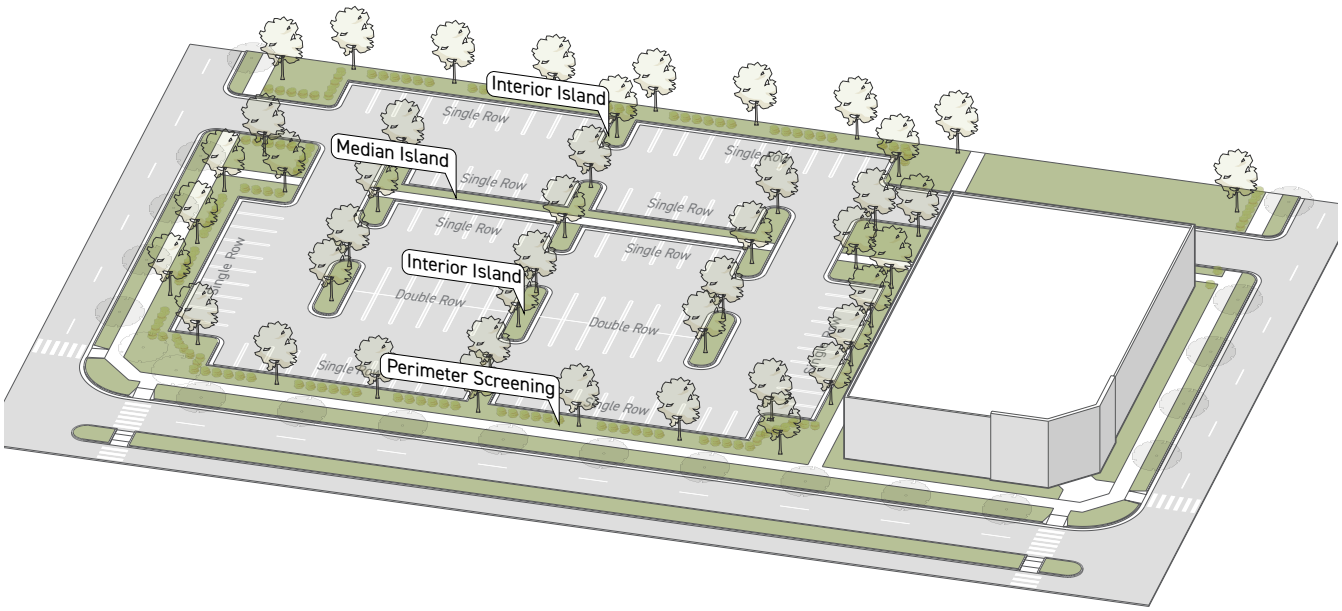
d) An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 300 square feet in area. Each island must include at least 2 large trees.

e) Interior islands must be installed below the level of the parking lot surface to allow for stormwater runoff capture.

ii. **Median Islands**

a) A landscape median island must be provided between every 4 single parking rows. Intervals may be expanded to preserve existing trees.

b) A median island must be at least 6 feet wide. A median island with a pedestrian walkway must be a minimum of 12 feet wide.




## 7. Parking Structure Screening

Where a parking structure is visible from a street or a Residential (R-) district, the entire visible portion must be screened with a permanent structure that meets the following standards:

a. The screen must not have an opacity of less than 60%.

b. Openings in the screen must be 4 inches or less in one dimension, except for openings providing pedestrian or vehicular access.

c. Screen openings accommodating vehicle access must be no wider than the maximum allowed driveway width allowed by the zoning district.

d. Screen openings accommodating pedestrian access must be no wider than 8 feet for each pedestrian passageway. Where an opening accommodates both pedestrians and vehicles, the maximum allowable opening is 8 feet greater than the maximum allowed driveway width.

## D. Measurement

### 1. Parking Angle

The angle measured from the long edge of a parking space to the drive aisle.

### 2. Parking Space Width

The distance measured between opposite sides of the shortest dimension of a parking space.

### 3. Parking Space Length

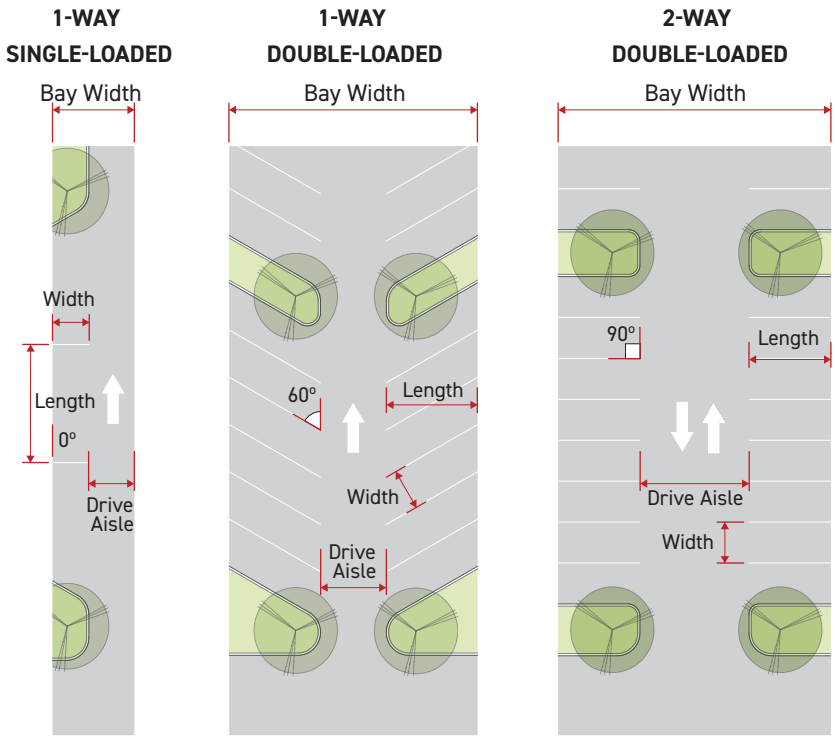
The distance measured perpendicular or parallel to the drive aisle between opposite ends of the longest dimension of a parking space.

### 4. Bay Width

The distance measured between two rows of parking spaces and the drive aisle in-between, or for a single row, the distance between a row of parking spaces and the end of the drive aisle.

## 5. Drive Aisle

The distance measured from the edge of one row of parking to the edge of the opposite row of parking. If there is only one row of parking spaces, then the paved surface for a vehicle to drive on must meet the minimum drive aisle width.




## 6. Interior and Median Island Width

Interior and median island width is measured as the narrowest horizontal dimension from one edge of an island to the opposite edge.

# 4.5.6. Other Vehicle Use Areas

## A. Intent

To facilitate transportation and to provide for safe and convenient vehicular and pedestrian travel by ensuring vehicle use areas are designed in a manner that does not detract from the safety, comfort, or enjoyment of users of neighboring lots or the public realm.

## B. Applicability

1. All portions of a lot are designed and intended for use by vehicles must comply with the following standards, including areas used for circulation, maneuvering, loading, staging, queuing, service, and areas to be used for the sale or storage of vehicles.
2. Parking lots are excluded from the vehicle use area requirements; see *4.5.5. Vehicle Parking Design* for parking lot standards.
3. Loading standards apply to any lot that includes on-site loading areas.
4. Stacking space standards apply to any lot that includes an on-site drive-through or control gate.

## C. Standards

### 1. General

#### a. Surfacing

Vehicle use area surfacing must meet the standards in *4.5.5. Vehicle Parking Design*.

#### b. Screening

i. A transition screen may be required between the vehicle use area and a common lot line, see *4.7.2. Transition Screens* for requirements.

ii. A frontage screen may be required between the vehicle use area and street lot line, see *4.7.3. Frontage Screens* for requirements.

#### c. Lighting

Vehicle use area lighting must meet the standards in *Div. 4.12. Outdoor Lighting.*

### 2. Loading

a. A loading area is not required. If determined necessary by the Administrator, adequate space must be made available on-site for the unloading and loading of goods, materials, items, or stock for delivery and shipping.

b. With the exception of alleys and areas specifically designated by the City, loading and unloading activities are not allowed on a public street.

c. Loading areas must be located to the rear or side of buildings.

d. Loading and unloading activities must not encroach on or interfere with sidewalks, multi-modal lanes, driveways, drive aisles, stacking spaces, or parking lots.

### 3. Vehicle Stacking

#### a. Required Stacking Spaces

i. Unless otherwise expressly modified by the Administrator, off-street stacking spaces must be provided as follows:

| Activity Type | Stacking Spaces (min) |
|---|---|
| Food and beverage drive-through | |
| On-site ordering | 8 |
| Off-site ordering (pick-up) | 5 |
| ATM or banking service | 3 |
| Pharmacy | 3 |
| Other drive-through | 5 |

ii. The Administrator may modify the required number of stacking spaces based on existing conditions, physical considerations unique to the particular site, and consideration for specific stacking demands for the proposed use.

#### b. Design and Layout

i. Each stacking space must be a minimum of 20 feet in length and 10 feet in width.

ii. Stacking spaces must not encroach on or interfere with sidewalks, multi-modal lanes, driveways, drive aisles, loading areas, or parking lots.

iii. Where deemed necessary by the Administrator for traffic movement and safety, stacking spaces must be separated from other internal driveways by raised medians or other fixed barriers.

iv. An "escape lane" or aisle, measuring a minimum of 10 feet in width, must be provided adjacent to the stacking lane, where deemed appropriate by the Administrator.

v. Devices for the transmission or broadcasting of voices or music must be so directed or muffled as to prevent the sound or music from being audible beyond the boundaries of the site.

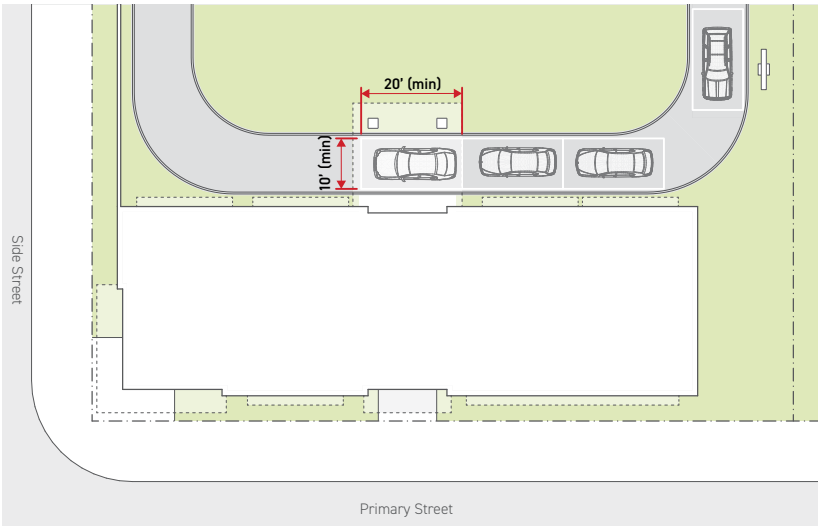
## D. Measurement

### 1. Stacking Space Length

Stacking space length is measured parallel to the drive-through lane from one end to the opposite end of the queuing space.

## 2. Stacking Space Width

Stacking space width is measured perpendicular to the queuing space length from one end to the opposite end of the queuing space.



# 4.5.7. Garage Design

## A. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by minimizing the impact of motor vehicle dominated areas on the public realm and to promote a comfortable, safe, engaging, and attractive streetscape with active spaces and landscaping along the public realm.

## B. Applicability

Garage design requirements apply to all lots. Structure parking providing 10 spaces or more is not considered a garage, and must follow the standards found in *4.5.5. Vehicle Parking Design*.

## C. Standards

### 1. General

a. Garages may be attached or detached.

b. Driveways are required to meet the requirements found in *4.5.3. Vehicle Access*.

### 2. Lots with Front or Side Vehicle Access

The following requirements apply to a project in a Residential (R-) zoning district with a front- or side-accessed driveway.

a. Garages must be positioned at least 10 feet behind the primary street-facing building facade and are limited in width to no more than 40% of any street-facing facade.

b. Garage doors must be at least 20 feet from the edge of the sidewalk.

### 3. Lots with Rear Vehicle Access

The following requirements apply to a project in a Residential (R-) zoning district with a rear-accessed driveway.

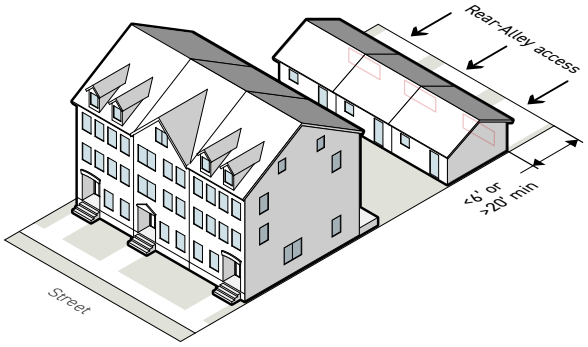
a. Garages must be placed entirely to the rear of the building and be rear or side-accessed.

b. Garage doors are not allowed to face the primary or side street, and can only face the side, rear, or alley lot line.

c. For lots with an alley, the garage door must be either:

   i. Less than 6 feet from the edge of the alley pavement, or

   ii. More than 20 feet from the edge of alley pavement.



# DIV. 4.6. **UTILITIES**

## 4.6.1. Intent

To facilitate the provision of water, sewer, natural gas, stormwater, and other public utility requirements.

## 4.6.2. Applicability

A. When a project proposes or requires the construction of utilities, the requirements of this Division apply.

B. Existing utilities may continue to serve existing development in their current configuration; however, they cannot be extended or substantially rebuilt except in conformance with this Division.

## 4.6.3. Sanitary Sewer and Water Supply

A. Installation of public water and sanitary sewer service are governed by the applicable provisions of Chapter 31, Utilities of the Charlottesville City Code and the Standards and Design Manual. Where any City-owned public water or sanitary sewer system or related facilities must be located on private property, a public easement must be dedicated to allow for the placement of the mains and related facilities and perpetual access by the City and its authorized agents.

B. Any project that abuts or adjoins a public water or sanitary sewer system or main must be connected to that public water or sanitary sewer system or main subject to the provisions of the *Code of Virginia § 15.2-2121* and this Division.

C. Public water and sanitary sewer service must be provided to each lot within a project, consistent with the requirements of Chapter 31, Utilities of the Charlottesville City Code and the Standards and Design Manual. Such systems must be constructed by the project developer to the point at which they will join public service lines. When a project does not abut a public water or sanitary sewer system or main, the project developer is responsible for extending the public water or sewer system or main from the existing location to the project site, and dedicate the extension of the public service line to the City.

## 4.6.4. Natural Gas

Installation of gas mains are governed by the applicable provisions of Chapter 31, Utilities of the Charlottesville City Code and the Standards and Design Manual. Where any City-owned gas main or related facilities must be located on private property, a public easement must be dedicated to allow for the placement of the mains and related facilities and perpetual access by the City and its authorized agents.

## 4.6.5. Stormwater Management and Drainage Facilities

A. Every project must be designed so that construction of buildings, structures, public facilities and other site-related improvements will minimize disturbance of natural drainage areas and critical slopes. Structures necessary to ensure stability of critical slopes must be provided.

B. Every project will be designed to achieve state and local requirements for post-development

stormwater management, including measures addressing both the quantity and quality of stormwater, as set forth within Chapter 10, Water Protection of the Charlottesville City Code and the Standards and Design Manual.

## 4.6.6. Water for Fire Protection

No Final Plat or Development Review will be approved by the Administrator without verification from the Fire Code Official and Director of Utilities that adequate capability exists to provide adequate fire protection to serve the project, including required fire flows. Fire hydrants and distribution systems must be installed and constructed in accordance with applicable requirements of the USBC and the USFPC; additionally, hydrant locations and fire flow requirements must be as prescribed by Insurance Service Offices (ISO) standards and Standards and Design Manual, subject to approval by the Fire Code Official and Director of Utilities.

## 4.6.7. Underground Utilities

All utilities, including but not limited to wires, cables, pipes, conduits and appurtenant equipment for electricity, natural gas, water, sewer, telephone or similar service, must be located within a project as follows:

A. Each utility must be located, to the extent practicable, in a manner that conforms to the natural topography, minimizes the disturbance of critical slopes and natural drainage areas, and allows vehicular and pedestrian interconnections within the subdivision and existing or future development on adjoining lands.

B. All new utilities must be located underground except the following, which may be located above-ground:

   1. Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antennae and associated equipment, fire department utilities, and gas meters which is, under accepted utility practices, normally installed aboveground;

   2. Meters, service connections, and similar equipment normally attached to the outside wall of a utility customer's premises; and

   3. Satellite dishes.

C. No utility easements or facilities, other than those of City-owned and operated utilities, may be located within the right-of-way for any public street, except upon the approval by City Council of a franchise ordinance or public right-of-way use permit or encroachment agreement. If the project developer desires to construct in, on, under, or adjacent to any public streets located in the project any natural gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems, they must present plans or specifications to the City for approval.

D. Installation of utilities in or adjacent to the right-of-way must be performed in a manner that will not preclude the installation of the required streetscape, including street trees and landscaping.

E. Where appropriate, a project developer must convey common or shared easements to:

   1. Franchised cable television operators furnishing cable television, and

2. Public service corporations furnishing cable television, telephone and electric service to the proposed subdivision.

Such easements must be conveyed by reference on the Final Plat to a declaration of the terms and conditions of such common or shared easements recorded in the City's land records. All such easements must be located outside of the public street right-of-way, except as otherwise specifically approved by City Council in accordance with the *Code of Virginia § 15.2-2100*.

# DIV. 4.7. TRANSITIONS AND SCREENING

## 4.7.1. Transitions

### A. Intent

1. To protect and enhance the character and stability of neighborhoods the compatibility of new development with its surrounding context where the scale of development changes between lots of differing zoning districts; and
2. To protect and maintain the environmental quality of the City by incorporating trees and planting requirements in transition buffers and screening.

### B. Applicability

1. Transitions are required along common, alley, and street lot lines where abutting lots fall into different zoning designations, as noted in the following table.

| | Abutting District | | | | |
|---|---|---|---|---|---|
| District of Lot | R-A<br>R-B<br>R-C | RX-3<br>CX-3<br>NX-3 | RX-5<br>CX-5<br>NX-5<br>IX-5 | CX-8<br>NX-8<br>NX-10<br>DX<br>IX-8 | CM<br>CV |
| **R-A**<br>**R-B**<br>**R-C** | -- | -- | -- | -- | -- |
| **RX-3**<br>**CX-3**<br>**NX-3** | Type A | -- | -- | -- | -- |
| **RX-5**<br>**CX-5**<br>**NX-5**<br>**IX-5** | Type C | Type B | -- | -- | -- |
| **CX-8**<br>**NX-8**<br>**NX-10**<br>**DX**<br>**IX-8** | Type D | Type B | -- | -- | -- |
| **CM**<br>**CV** | Type C | -- | -- | -- | -- |

2. Transitions are required along common lot lines between certain uses and zoning districts as specified by *Div. 3.4. Use Standards*.

3. Transitions are not required when a project in the higher intensity district meets the height, building setback, and use requirements of the abutting lower intensity district.

## C. Standards

### 1. General

a. A required transition must be located along the entire length of the common, alley, or street lot line shared with the abutting district.

b. Where a use standard requires a transition type that conflicts with this Section, the more intensive requirement must be met.

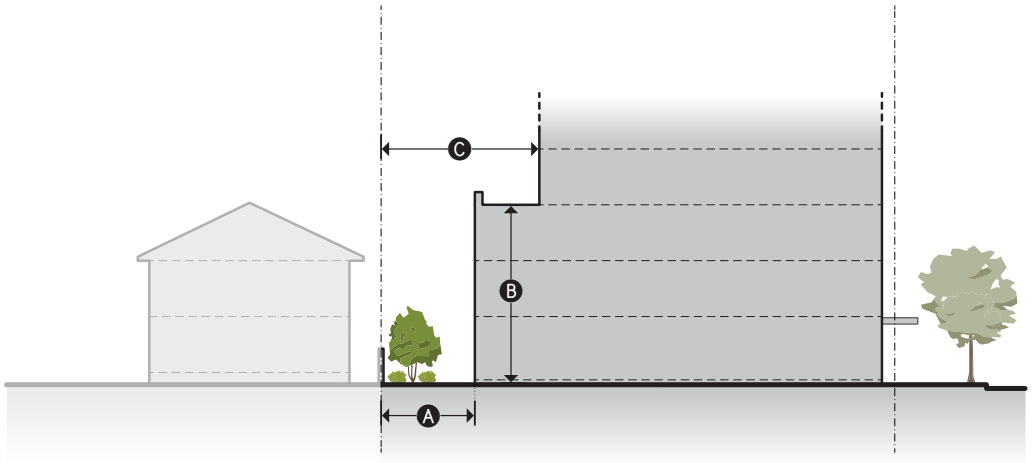
### 2. Transition Types

a. **Common and Alley Lot Line Transition Types**

i. Common and alley lot line transition types apply when the abutting district is along a common or alley lot line.

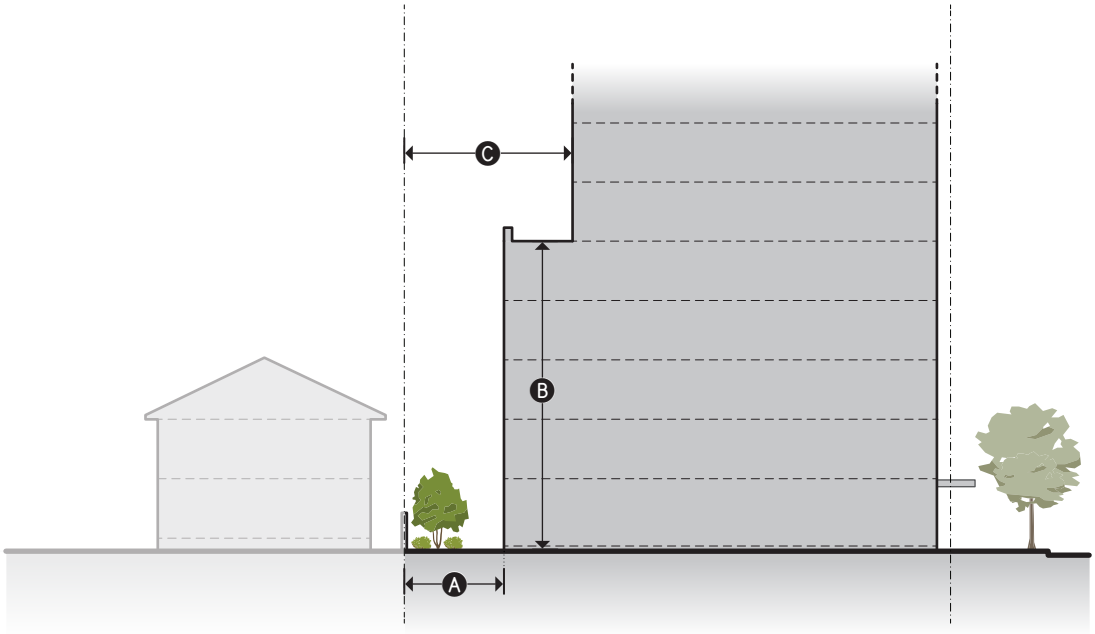
ii. Common and alley lot line transition types consists of a combination of a screened area along the affected lot line, building setbacks, and upper story step-backs to push the mass of the building away from abutting districts above a specified height.

## TRANSITION TYPE A



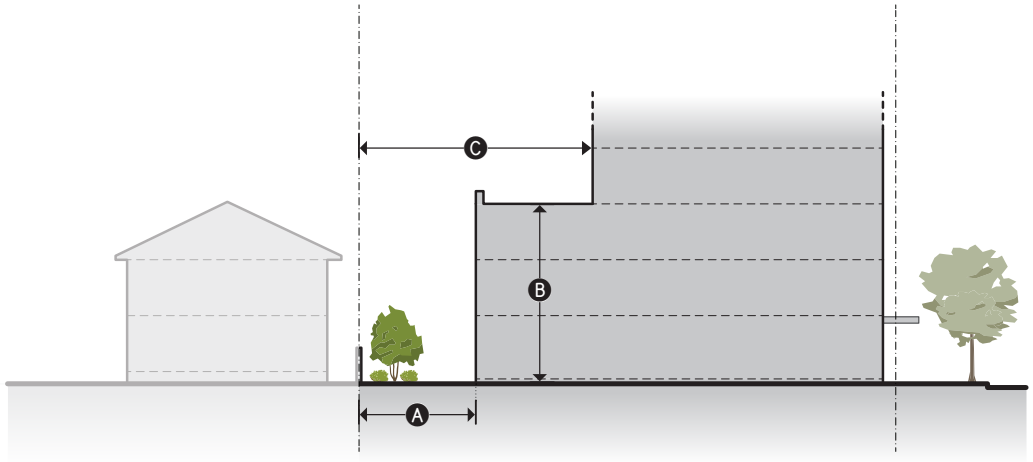

| TRANSITION AREA | | | UPPER STORY STEP-BACK | | |
|---|---|---|---|---|---|
| A | Building setback (min) | 15' | B | Height before step-back (max stories/feet) | 3 / 44' |
| | Transition screen type | Low | C | Upper story step-back (min) | 30' |

## TRANSITION TYPE B



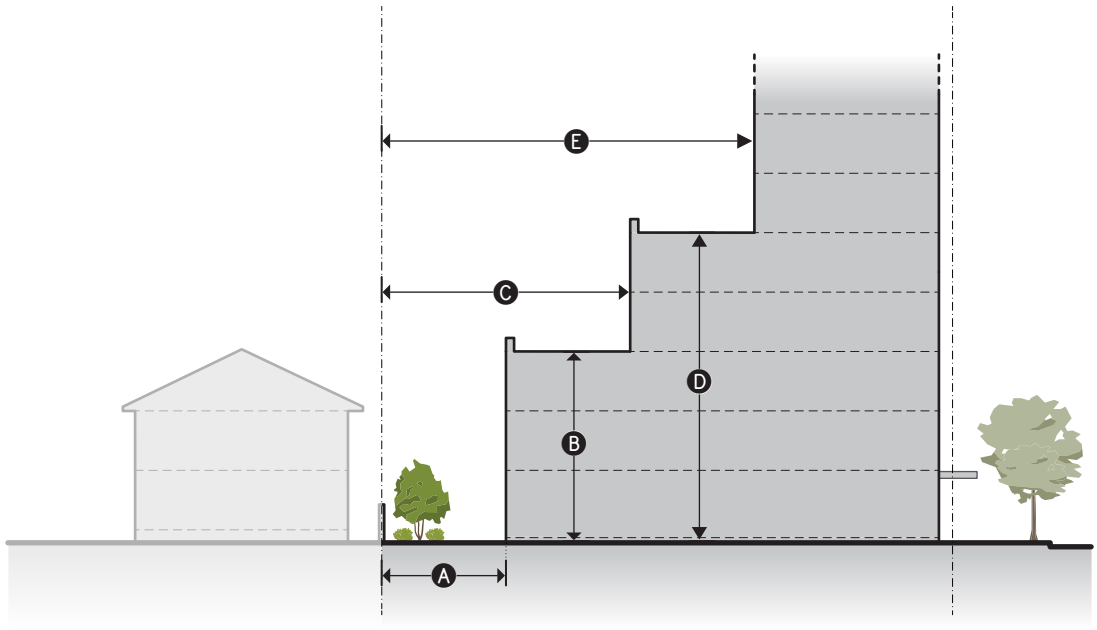

| TRANSITION AREA | | | UPPER STORY STEP-BACK | | |
|---|---|---|---|---|---|
| A | Building setback (min) | 15' | B | Height before step-back (max stories/feet) | 5 / 72' |
| | Transition screen type | Low | C | Upper story step-back (min) | 30' |

## TRANSITION TYPE C



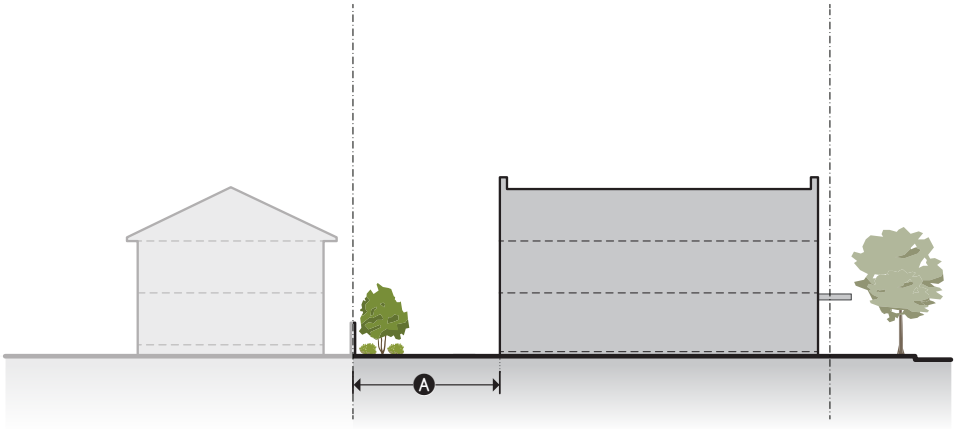

| TRANSITION AREA | | UPPER STORY STEP-BACK | |
|---|---|---|---|
| A Building setback (min) | 20' | B Height before step-back (max stories/feet) | 3 / 44' |
| Transition screen type | Moderate | C Upper story step-back (min) | 40' |

## TRANSITION TYPE D




| TRANSITION AREA | | UPPER STORY STEP-BACK | |
|---|---|---|---|
| A Building setback (min) | 20' | B Height before step-back (max stories/feet) | 3 / 44' |
| Transition screen type | Moderate | C First upper story step-back (min) | 40' |
| | | D Height before step-back (max stories/feet) | 5 / 72' |
| | | E Second upper story step-back (min) | 60' |

## TRANSITION TYPE E




| TRANSITION AREA | |
|---|---|
| Ⓐ Building setback (min) | 30' |
| Transition screen type | High |

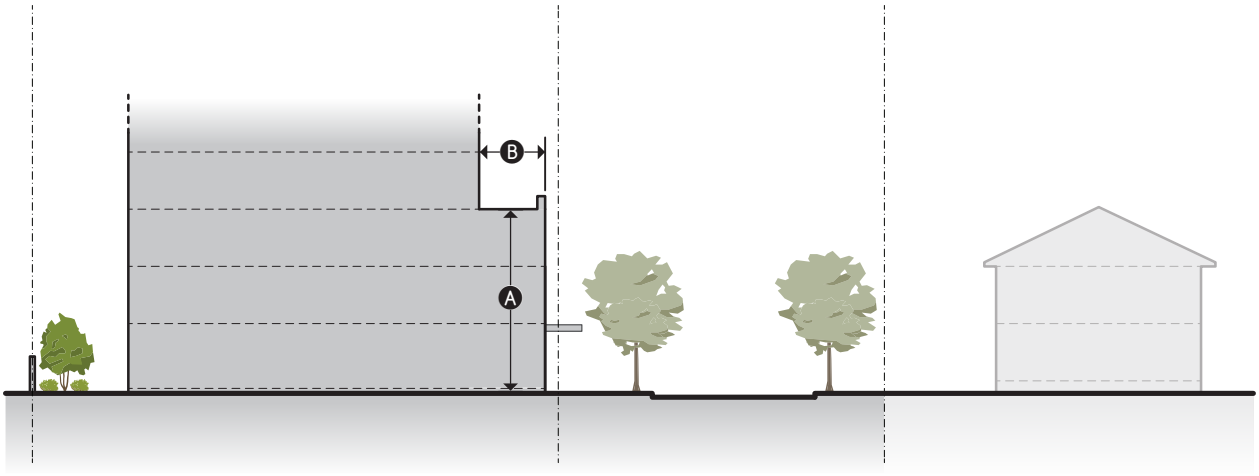
| UPPER STORY STEP-BACK | |
|---|---|
| Height before step-back (max stories/feet) | None |
| Upper story step-back (min) | None |

b. **Street Lot Line Transition Types**

i. Street lot line transition types apply when the abutting district is along a street lot line.

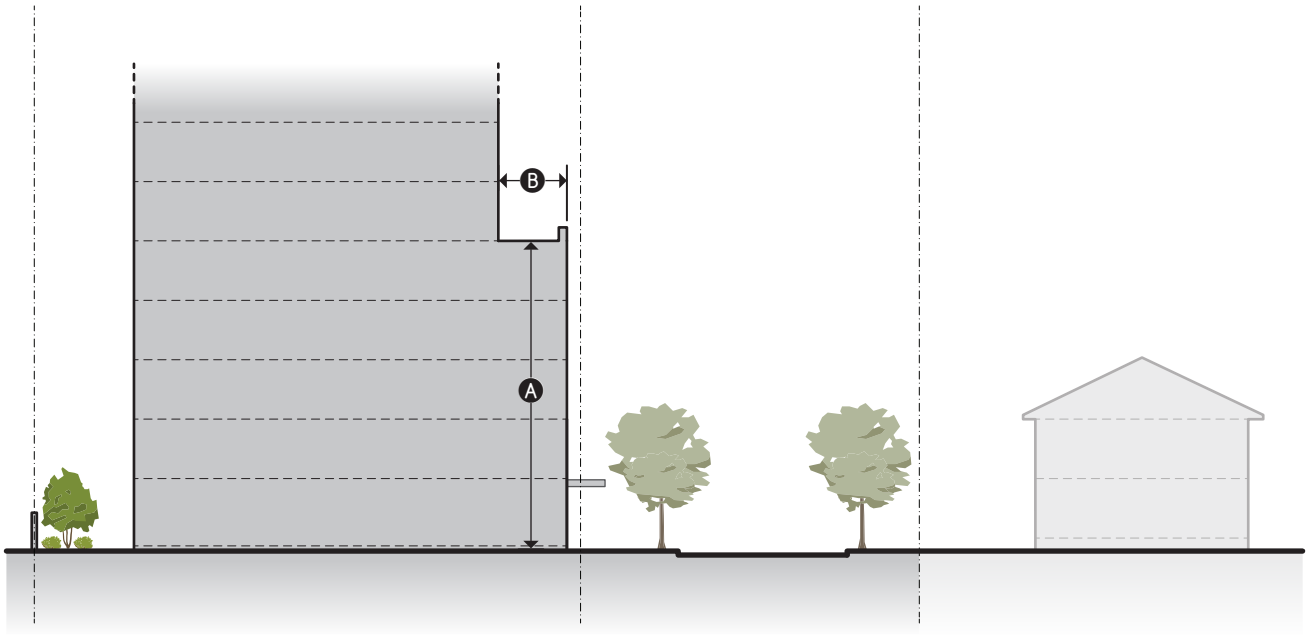
ii. Street lot line transition types consist of street step-backs to push the mass of the building away from the abutting districts above a specified height.

## TRANSITION TYPE A



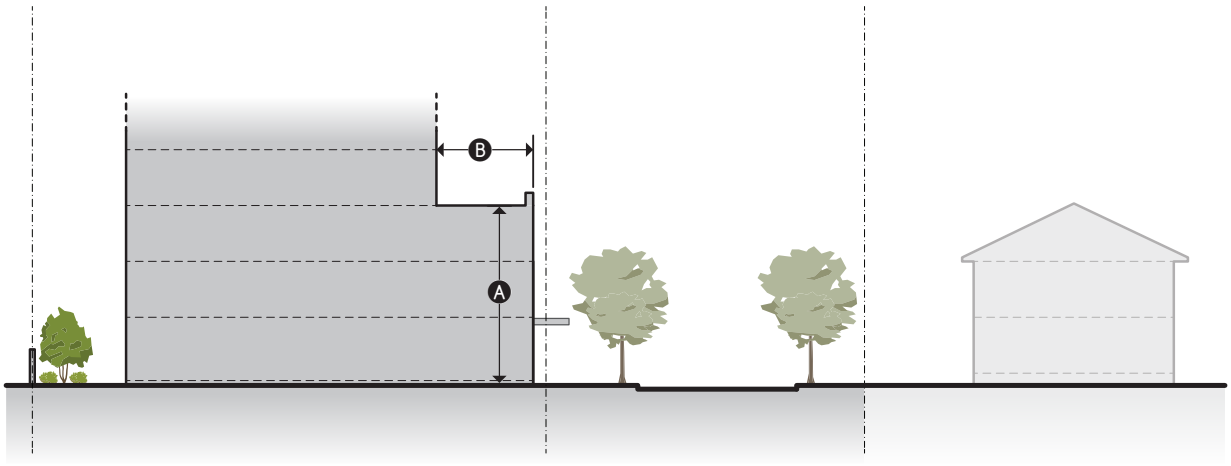

| UPPER STORY STEP-BACK | |
|---|---|
| Ⓐ Height before step-back (max stories/feet) | 3 / 44' |
| Ⓑ Street step-back (min) | 15' |

## TRANSITION TYPE B



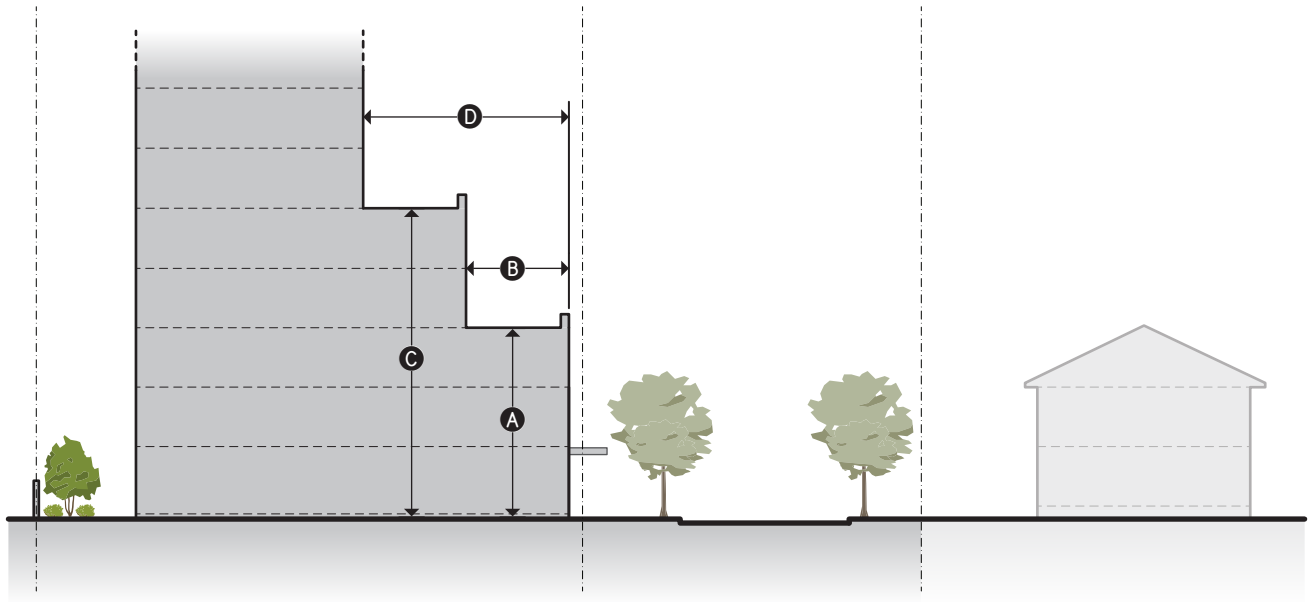

| UPPER STORY STEP-BACK | |
|---|---|
| A Height before step-back (max stories/feet) | 5 / 72' |
| B Street step-back (min) | 15' |

## TRANSITION TYPE C




| UPPER STORY STEP-BACK | |
|---|---|
| A Height before step-back (max stories/feet) | 3 / 44' |
| B Street step-back (min) | 20' |

## TRANSITION TYPE D




| UPPER STORY STEP-BACK | |
|---|---|
| A Height before step-back (max stories/feet) | 3 / 44' |
| B First street step-back (min) | 20' |
| C Height before step-back (max stories/feet) | 5 / 72' |
| D Second street step-back (min) | 40' |

### 3. Transition Screen Type

The transition screen type category is regulated by the transition type requirements. The standards for each transition screen type are determined by the requirements of *4.7.2. Transition Screens*. The option of which screen type to use within the required category is at the discretion of the applicant.

## D. Measurement

### 1. Building Setback

a. The building setback is measured perpendicular to any lot line shared with an abutting district that requires a transition. See *2.10.5. Building Setbacks* for measuring building setback.

b. For projects abutting an alley, the building setback can be measured from the alley centerline instead of the alley lot line.

### 2. Height Before Step-Back

a. Measured as the maximum height for the portion of the building along a common or alley lot line before an additional step-back is required.

b. To measure the allowed height before a step-back is required, average grade is calculated by averaging the highest and lowest elevation of the common or alley lot line. See *2.10.9. Height* for measuring average grade.

c. For all other height measurements, see *2.10.9. Height* for measuring building height in stories and feet.

### 3. Upper Story Step-Back

a. Upper story step-back depth is measured perpendicular to the common or alley lot line with an abutting district that requires a transition.

b. For projects abutting an alley, the upper story step-back can be measured from the alley centerline instead of the alley lot line.

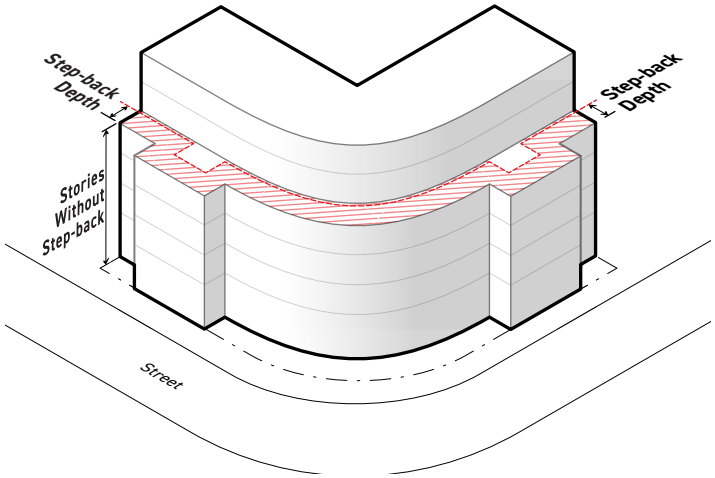
### 4. Street Step-Back

a. **Stories without Step-Back**

Stories without step-back is measured according to *Sec. 2.10.9.A. Building Height*.

b. **Step-Back Depth**

The minimum step-back depth is measured as a horizontal distance from the exterior of the uppermost story without a step-back to the exterior of the stepped back stories.



## 5. Exceptions

a. The following are allowed to horizontally encroach beyond the required street-step back as listed below:

| | | Horizontal Encroachment (max) |
|---|---|---|
| **Architectural Elements** | *Sec. 7.1.2.A.2.* | 2′ |
| **Roof Projections** | *Sec. 7.1.2.A.2.* | 2.5′ |
| **Unenclosed Structures** | *Sec. 7.1.2.A.2.* | 5′ |
| **Enclosed Structures** | *Sec. 7.1.2.A.2.* | 2.5′ |
| **Mechanical and Electrical Equipment** | *Sec. 7.1.2.A.2.* | 1.5′ |

b. The following are allowed to vertically encroach beyond the required street-step back as listed below:

| | | Vertical Encroachment (max) | Setback from Roof Edge (min) |
|---|---|---|---|
| **Architectural Elements** | *Sec. 7.1.2.A.3.* | 3′ | 0′ |
| **Safety Barriers** | *Sec. 7.1.2.A.3.* | 6′ | 0′ |
| **Vertical Circulation** | *Sec. 7.1.2.A.3.* | 10′ | 5′ |
| **Unenclosed Structures** | *Sec. 7.1.2.A.3.* | 8′ | 5′ |
| **Mechanical and Electrical Equipment** | *Sec. 7.1.2.A.3.* | 5′ | 3′ |
| **Flatwork** | *Sec. 7.1.2.A.3.* | 2.5′ | 1′ |
| **Vegetation** | *Sec. 7.1.2.A.3.* | unlimited | 1′ |

# 4.7.2. Transition Screens

## A. Intent

To protect and enhance the character and stability of neighborhoods by mitigating impacts from uses, activities, or site elements with significant impact on abutting lots.

## B. Applicability

Transition screens are required as specified by *2.10.7. Transitions*.

## C. Standards

### 1. General

a. Required screens, including their sub-grade elements such as footings or foundations, must be located entirely on-site.

b. Breaks for pedestrian, bicycle, and vehicular access are allowed, provided that breaks for walkways or bike paths do not exceed 10 feet.

c. No buildings or structures, except for walls and fences, are allowed in the screening area.

d. No vehicle use areas are allowed in the screening area, including fire lanes.

e. To allow for access for maintenance, the required plantings must be located on the inside of the required wall or fence.

f. All walls and fences provided must meet the wall and fence design and installation standards, see *2.10.14. Fences and Walls*.

g. All required trees and shrubs must meet *Div. 4.9. Landscaping*.

2. **Transition Screen Type**

a. **Low Impact Transition Screens**

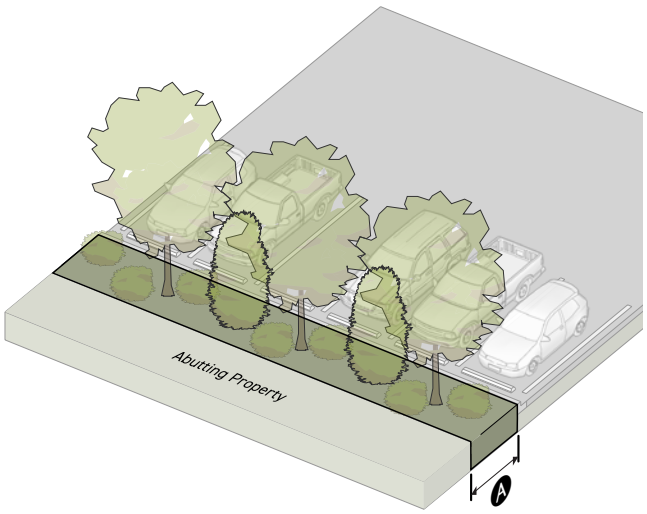
## TRANSITION SCREEN LOW-1

Narrow depth landscape screening with a wall or fence intended for screening low impact transitions and uses.

| SCREENING AREA | |
|---|---|
| A Depth (min) | 6′ |
| Large trees (min per 50′) | 2 |
| Small or medium trees (min per 50′) | None |
| Evergreen trees (min per 50′) | None |
| Shrubs (min per 50′) | None |
| **FENCES AND WALLS** | |
| B Height (min) | 6′ |
| Opacity (min) | 90% |
| Setback from property line (min) | 0′ |

## TRANSITION SCREEN LOW-2

Medium depth landscape buffer with no wall or fence intended for screening low impact transitions and uses.

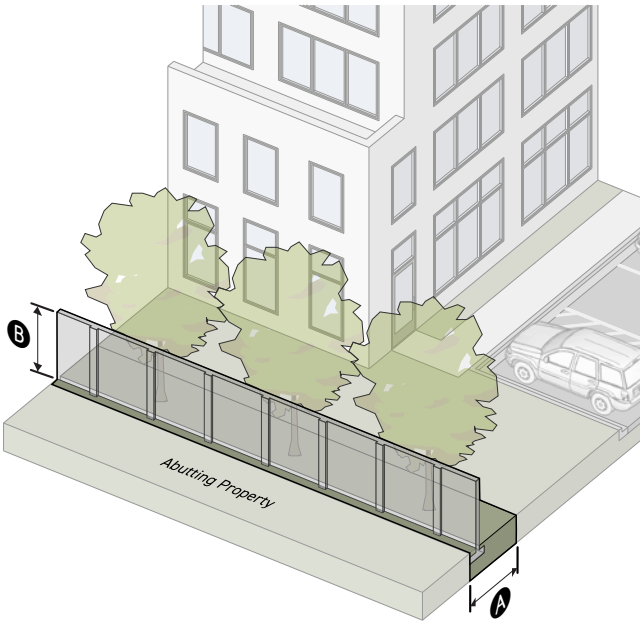



| SCREENING AREA | |
|---|---|
| A Depth (min) | 10′ |
| Large trees (min per 50′) | 2 |
| Small or medium trees (min per 50′) | None |
| Evergreen trees (min per 50′) | 1 |
| Shrubs (min per 50′) | 5 |
| **FENCES AND WALLS** | |
| Not required | |

b. **Moderate Impact Transition Screens**

## TRANSITION SCREEN MODERATE-1

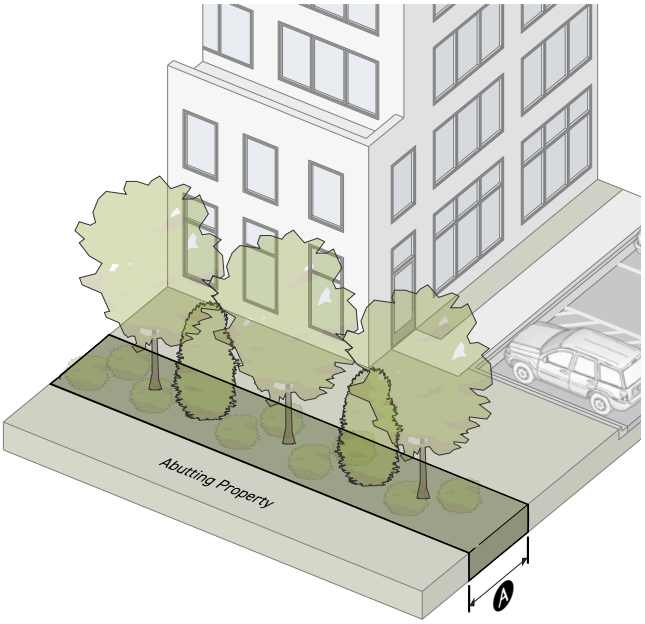
Narrow depth landscape screening with a wall or fence intended for screening moderate transitions and uses.




| SCREENING AREA | |
|---|---|
| A Depth (min) | 8' |
| Large trees (min per 50') | 2 |
| Small or medium trees (min per 50') | None |
| Evergreen trees (min per 50') | None |
| Shrubs (min per 50') | None |
| **FENCES AND WALLS** | |
| B Height (min) | 6' |
| Opacity (min) | 90% |
| Setback from property line (min) | 0' |

## TRANSITION SCREEN MODERATE-2

Medium depth landscape screening with no wall or fence intended for screening moderate impact transitions and uses.

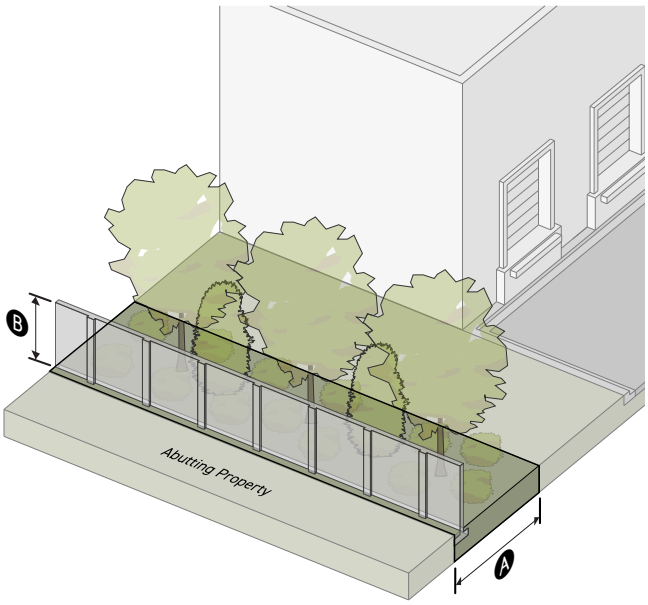



| SCREENING AREA | |
|---|---|
| A Depth (min) | 10' |
| Large trees (min per 50') | 2 |
| Small or medium trees (min per 50') | None |
| Evergreen trees (min per 50') | 2 |
| Shrubs (min per 50') | 5 |
| **FENCES AND WALLS** | |
| Not required | |

### C. High Impact Transition Screens

## TRANSITION SCREEN HIGH-1

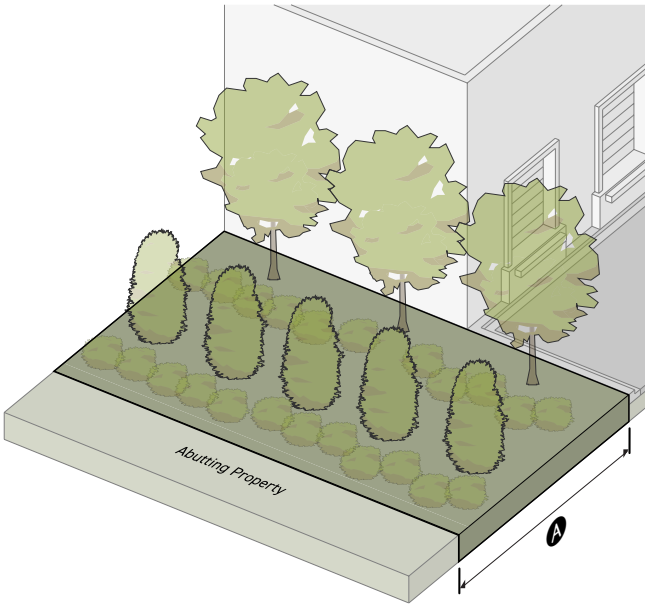
Medium depth landscape screening with a wall or fence intended for screening high impact transitions and uses.




| SCREENING AREA | |
|---|---|
| A Depth (min) | 10′ |
| Large trees (min per 50′) | 2 |
| Small or medium trees (min per 50′) | 1 |
| Evergreen trees (min per 50′) | None |
| Shrubs (min per 50′) | None |
| **FENCES AND WALLS** | |
| B Height (min) | 6′ |
| Opacity (min) | 90% |
| Setback from property line (min) | 0′ |

## TRANSITION SCREEN HIGH-2

Deep landscape screening with no wall or fence intended for screening high impact transitions and uses.




| SCREENING AREA | |
|---|---|
| A Depth (min) | 20′ |
| Large trees (min per 50′) | 2 |
| Small or medium trees (min per 50′) | 2 |
| Evergreen trees (min per 50′) | 2 |
| Shrubs (min per 50′) | 10 |
| **FENCES AND WALLS** | |
| Not required | |

## D. Measurement

### 1. Screening Area Depth

Screening area depth is measured at the narrowest horizontal dimension from one side of screening area to the opposite side.

### 2. Planting Frequency

Trees, shrubs, or plants per 50 feet is measured as the total number of plants within any 50-foot segment of screen area.

### 3. Fence or Wall Height

For measurement of fence or wall height and opacity, see *Div. 4.8. Fences and Walls*.

# 4.7.3. Frontage Screens

## A. Intent

To provide for safe and convenient pedestrian travel by screening the negative impacts of uses on the public realm, promoting visual interest and increasing comfort for uses of the adjacent streetscape.

## B. Applicability

Frontage screening is required along street and alley lot lines adjacent to vehicle use, storage, and utility areas, as noted in the following table:

| | Frontage Screen Type |
|---|---|
| **Outdoor Storage Areas** | |
| All outdoor storage areas | High |
| **Vehicle Use Areas** | |
| Loading / service areas | High |
| Drive-through areas | Low |
| Parking areas | Low |
| Vehicle sales areas | Low |
| **Utility Areas** | |
| Utility areas | Moderate |

## C. Standards

### 1. General

a. Required screens, including their sub-grade elements, such as footings or foundations, must be located entirely on-site.

b. Breaks for pedestrian, bicycle, and vehicular access are allowed, provided that breaks for walkways or bike paths do not exceed 10 feet.

c. No buildings or structures, except for walls and fences, are allowed in the screening area.

d. No vehicle use areas are allowed in the screening area, including fire lanes.

e. All walls and fences provided must meet the wall and fence design and installation standards, see *Div. 4.8. Fences and Walls*.

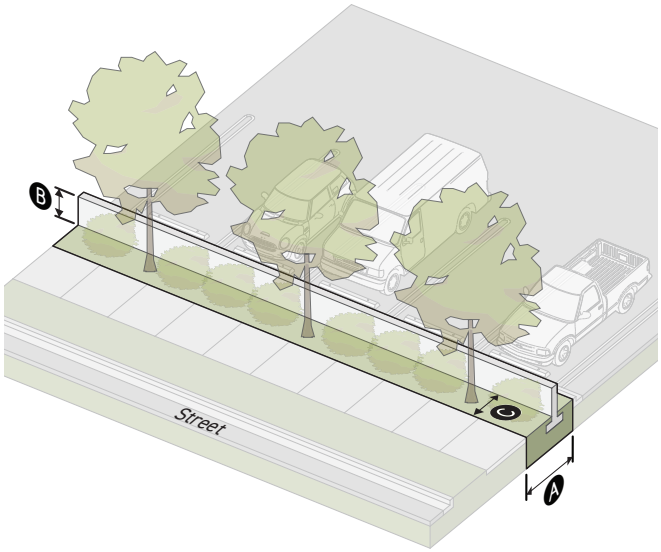
f. All required trees and shrubs must meet *Div. 4.9. Landscaping*.

2. **Frontage Screening Types**

   a. **Low Impact Frontage Screens**

## FRONTAGE SCREEN LOW-1

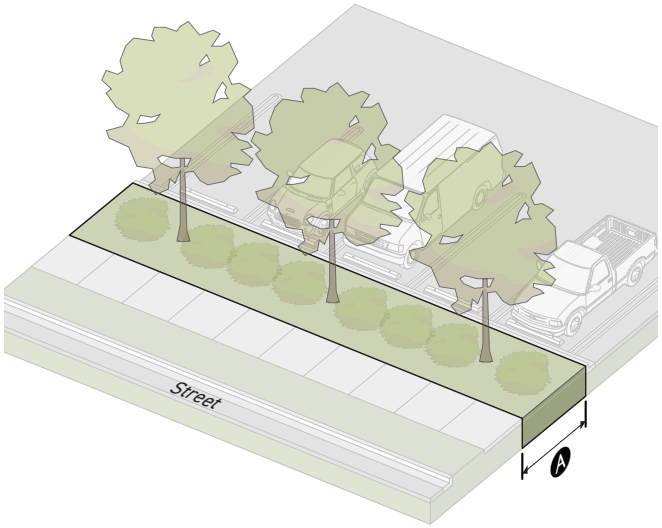
Narrow depth landscape screening with a low wall or fence intended for low impact outdoor activities including parking lot perimeters.




| SCREENING AREA | |
|---|---|
| A Depth (min) | 8’ |
| Large trees (min per 50’) | 2 |
| Small or medium trees (min per 50’) | None |
| Evergreen trees (min per 50’) | None |
| Shrubs (min per 50’) | 5 |
| **FENCES AND WALLS** | |
| B Height (min) | 4’ |
| Opacity | |
| Below 4’ (min) | 90% |
| Above 4’ (max) | 50% |
| C Setback from property line (min) | 4’ |

## FRONTAGE SCREEN LOW-2

Medium depth landscape screening with no wall or fence intended for low impact outdoor activities including parking lot perimeters.

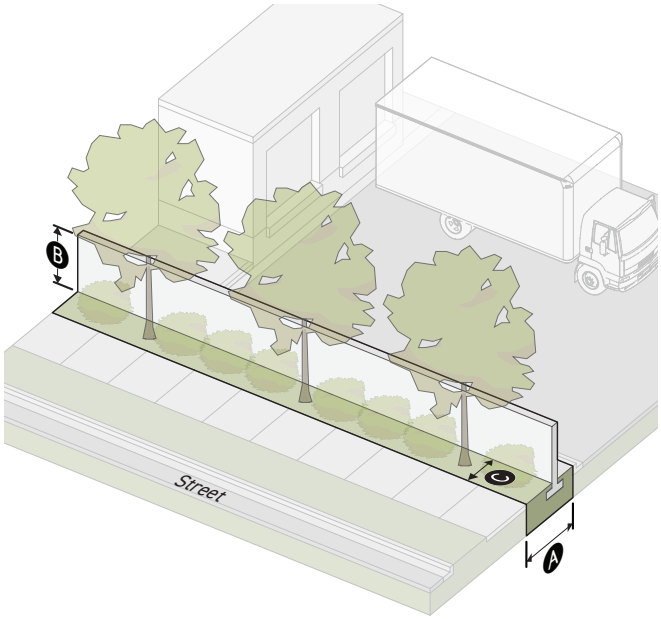



| SCREENING AREA | |
|---|---|
| A Depth (min) | 10’ |
| Large trees (min per 50’) | 2 |
| Small or medium trees (min per 50’) | None |
| Evergreen trees (min per 50’) | 1 |
| Shrubs (min per 50’) | 10 |
| **FENCES AND WALLS** | |
| Not required | |

b. **Moderate Impact Frontage Screens**

## FRONTAGE SCREEN MODERATE-1

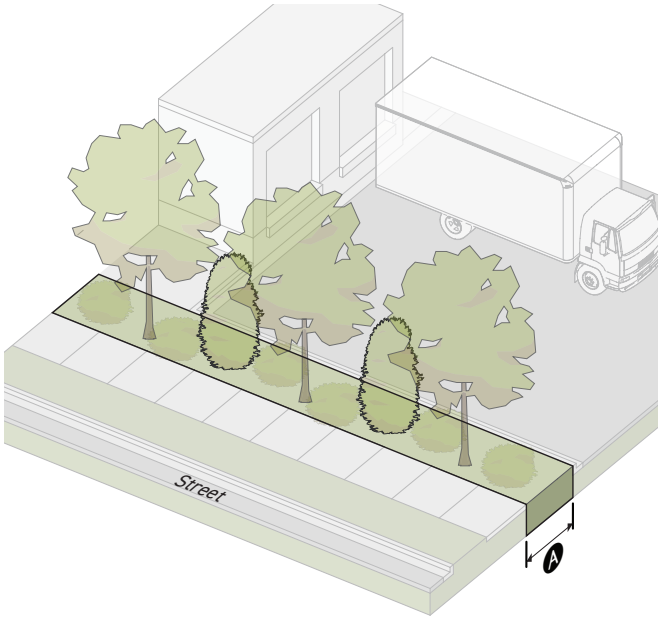
Narrow depth landscape screening with a wall or fence intended for moderate impact outdoor activity including utility areas.




| SCREENING AREA | |
|---|---|
| A Depth (min) | 8’ |
| Large trees (min per 50’) | 2 |
| Small or medium trees (min per 50’) | None |
| Evergreen trees (min per 50’) | None |
| Shrubs (min per 50’) | 10 |
| **FENCES AND WALLS** | |
| B Height (min) | 6’ |
| Opacity (min) | 90% |
| C Setback from property line (min) | 4’ |

## FRONTAGE SCREEN MODERATE-2

Medium depth landscape screening with no wall or fence intended for moderate impact outdoor activity including utility areas.

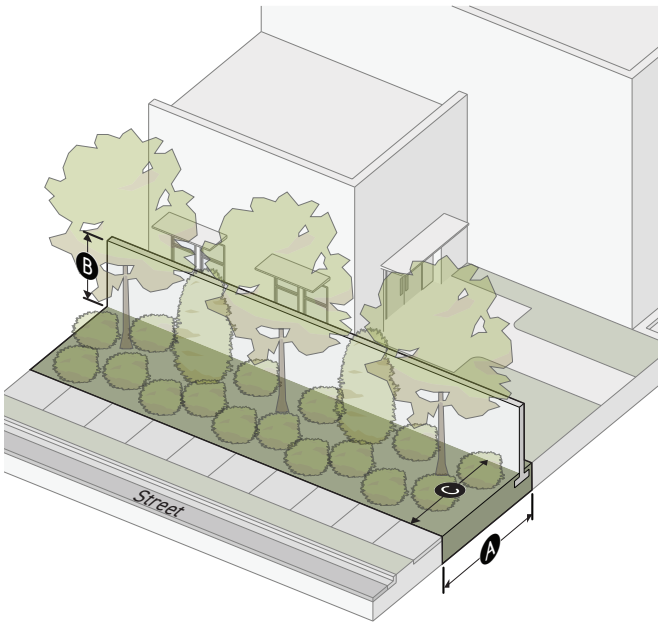



| SCREENING AREA | |
|---|---|
| A Depth (min) | 10’ |
| Large trees (min per 50’) | 2 |
| Small or medium trees (min per 50’) | None |
| Evergreen trees (min per 50’) | 2 |
| Shrubs (min per 50’) | 5 |
| **FENCES AND WALLS** | |
| Not required | |

### C. High Impact Frontage Screens

## FRONTAGE SCREEN HIGH-1

Medium depth landscape screening with a wall or fence intended for high impact uses.




| SCREENING AREA | |
|---|---|
| A Depth (min) | 10′ |
| Large trees (min per 50′) | 2 |
| Small or medium trees (min per 50′) | 1 |
| Evergreen trees (min per 50′) | None |
| Shrubs (min per 50′) | 10 |
| **FENCES AND WALLS** | |
| B Height (min) | 6′ |
| Opacity (min) | 90% |
| C Setback from property line (min) | 4′ |

## FRONTAGE SCREEN HIGH-2

Deep landscape screening with no wall or fence intended for high impact uses.

| SCREENING AREA | |
|---|---|
| A Depth (min) | 20′ |
| Large trees (min per 50′) | 2 |
| Small or medium trees (min per 50′) | 2 |
| Evergreen trees (min per 50′) | 2 |
| Shrubs (min per 50′) | 10 |
| **FENCES AND WALLS** | |
| Not required | |

## D. Measurement

### 1. Screening Area Depth

Screening area depth is measured at the narrowest horizontal dimension from one side of the screening area to the opposite side.

### 2. Planting Frequency

Trees, shrubs, or plants per 50 feet is measured as the total number of plants within any 50-foot segment of screen area.

### 3. Fence or Wall Height

For measurement of fence or wall height and opacity, see *Div. 4.8. Fences and Walls*.

# 4.7.4. Site Element Screens

## A. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by minimizing effects on surrounding properties and visibility from the public realm of site elements including mechanical, electrical, or utility requirement and waste receptacles.

## B. Applicability

1. Site element screening is required for all outdoor waste receptacle enclosures and all outdoor mechanical or electrical equipment located on the roof of a building, or attached to the wall of a building, or on the ground.
2. Site element screening requirements do not apply to the following:
    a. Electric vehicle charging infrastructure;
    b. Solar panels;
    c. Phone or cable boxes;
    d. Electrical meters; and
    e. Gas meters, when 3 meters or less are located in a row.

## C. Standards

### 1. Waste Receptacle Screening

a. Waste receptacles, including in-ground waste receptacles, cannot be located in a front yard or side street yard. Waste receptacles must be located to the side or rear of buildings and must meet the encroachment requirements of *2.10.5.E.1. Limited Encroachments*.

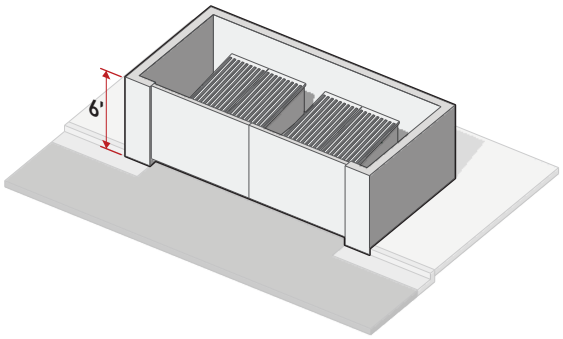
b. In-ground waste receptacles are not required to be screened if no portion of the waste storage container is visible above ground.

c. Outdoor waste receptacles with any above-ground element must be screened on three sides by a wall or fence with a minimum height of 6 feet.

d. Access gates must be provided on the fourth side and must also be a minimum height of 6 feet.

e. The wall or fence and gate access screening must be 90% opaque.

f. The screening enclosure must meet *4.8.1.C. Design and Installation*.

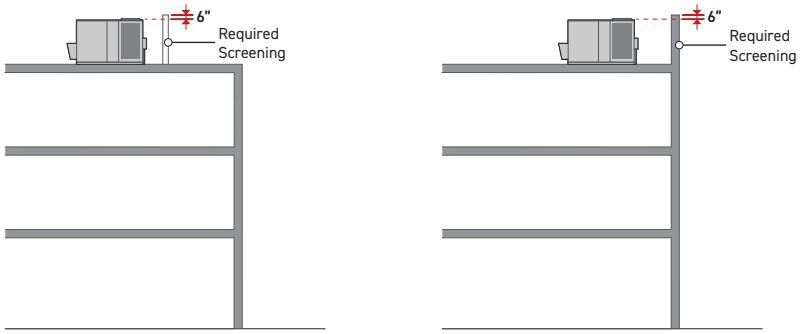



## 2. Roof-Mounted Equipment Screening

a. Equipment must be screened on the roof edge side by a parapet wall or other type of screen that is at least 6 inches higher than the topmost point of the equipment being screened.

b. The screening must be at least 75% opaque.

c. Screening must meet the standards of *4.8.1.C. Design and Installation*.



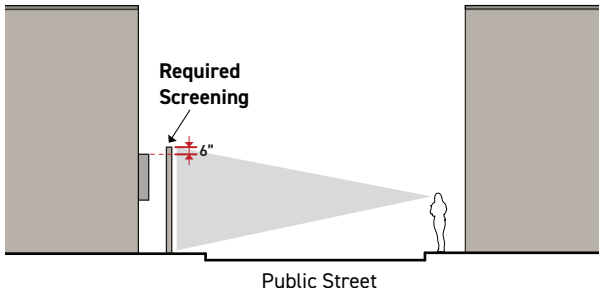

## 3. Wall-Mounted Equipment Screening

a. Equipment cannot be located in a front yard or side street yard. Equipment must be located in the side or rear yard and must meet the encroachment requirements of *2.10.5.E.1. Limited Encroachments*.

b. Equipment visible from a street (not including an alley) must be fully screened by an opaque wall or fence or other type of screen that is at least 6 inches higher than the topmost point of the equipment being screened.

c. The screening must be at least 75% opaque.

d. Screening must meet the standards of *4.8.1.C. Design and Installation*.



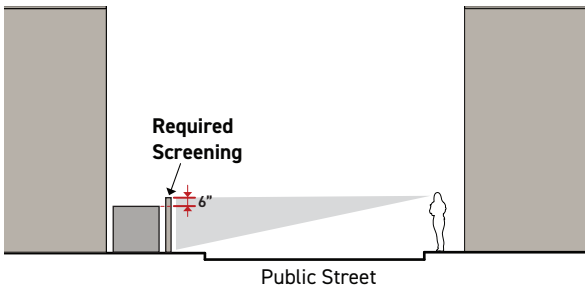

## 4. Ground Equipment Screening

a. Equipment cannot be located in a front yard or side street yard. Equipment must be located in the side or rear yard and must meet the encroachment requirements of *2.10.5.E.1. Limited Encroachments*.

b. Equipment visible from a street (not including an alley) must be fully screened by an opaque wall or fence or other type of screen that is at least 6 inches higher than the topmost point of the equipment being screened.

c. The screening must be at least 75% opaque.

d. Screening must meet the standards of *4.8.1.C. Design and Installation*.



# DIV. 4.8. FENCES AND WALLS

## 4.8.1. Fences and Walls

### A. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by balancing the needs for natural surveillance and visual interest along the public realm against security and privacy for ground story uses in a manner appropriate to context.

### B. Applicability

1. Fence and wall standards apply to all lots.
2. Fence and wall standards are set in *Article 2. Zoning Districts*, *4.7.2. Transition Screens* and *4.7.3. Frontage Screens*.
3. Where a frontage screening requirement requires a taller wall or fence, the frontage screening requirement supersedes any other requirement.

### C. Design and Installation

#### 1. Material

a. Walls, fences, and screens must be constructed of durable, low maintenance material that has a long life expectancy.

b. No wall, fence, or screen may be constructed of tires, junk, or other discarded materials.

c. Fences and walls constructed of materials with a finished side must face the finished side toward the adjacent property.

d. ~~Chain-linked fences are not allowed in front or side street yards except in the following districts: Industrial Flex (IX-), Campus (CM) and Civic (CV). When allowed, chain-linked fences must be vinyl-coated.~~

e. Barbed wire or concertina wire is not allowed.

#### 2. Location

a. Walls, fences, and screens must be set back from street lot lines in accordance with *4.7.3. Frontage Screens* and *Article 2. Zoning Districts*.

b. No wall is allowed within any required drainage or utility easement.

c. All walls, fences, and screens including their sub-grade elements, such as footings or foundation, must be located on-site.

d. No wall or fence may interfere with visibility at intersections or driveways.

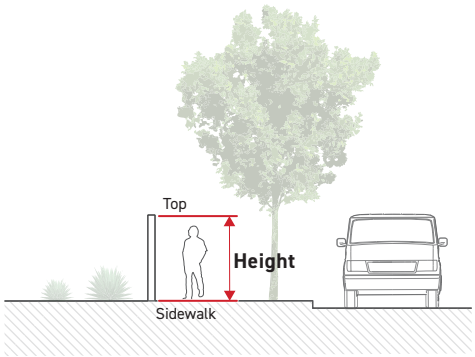
### 3. Maintenance

All walls and fences must be maintained in good repair and must be kept vertical, structurally sound, and protected from deterioration.

## D. Measurement

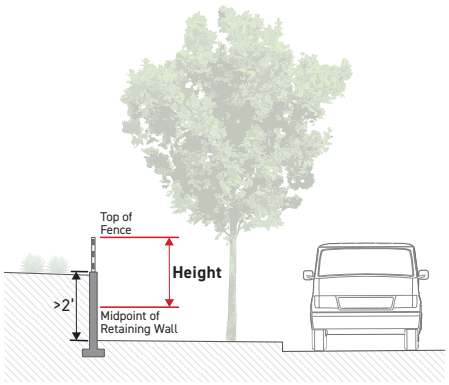
### 1. Front and Side Street Yards

a. Wall or fence height is measured from the adjacent sidewalk to the topmost point of the wall or fence.



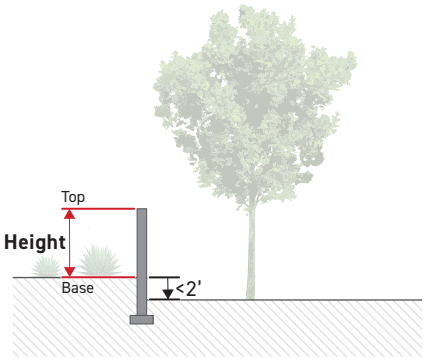

b. When no sidewalk exists within 20 feet of the wall or fence, height is measured from the base of the wall or fence to the topmost point of the wall or fence, on the exterior side of the wall or fence.

c. When a wall or fence is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, the height is measured from the top of the wall or fence to the midpoint of the retaining wall. Where a guardrail is required on top of a retaining wall, the guardrail is exempt from the maximum height measurement.

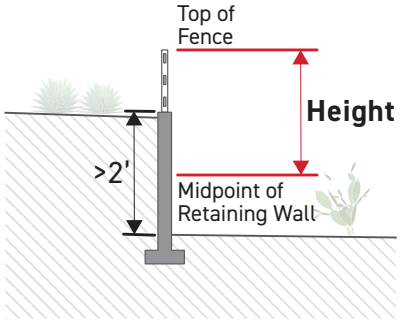


## 2. Side and Rear Yards

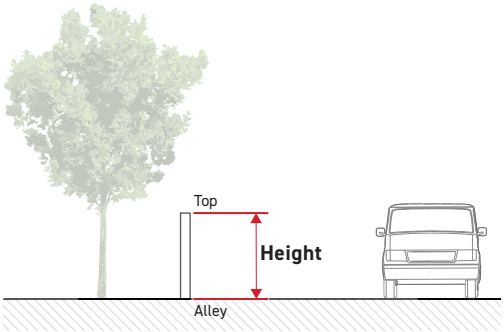
a. Where the difference in grade on either side of a wall or fence is less than 2 feet, height is measured from the base of the wall on the side with the highest grade.




b. When a wall or fence is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, the height is measured from the top of the wall or fence to the midpoint of the retaining wall. Where a guardrail is required on top of a retaining wall, the guardrail is exempt from the maximum height measurement.



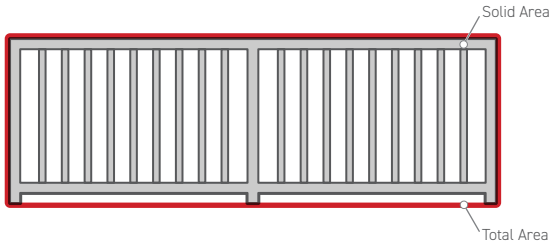

c. Fences and walls that are located in the rear or side yard abutting an alley are measured from the surface of the adjacent alley, vertically to the topmost point of the wall or fence. Where the fence or wall is on a slope of more than 2 feet above the surface of the alley, the height is measured from the top of the wall or fence to the midpoint of the slope.



### 3. Opacity

a. Opacity is measured as a percentage, calculated by dividing the solid portion of the fence or wall by the total area of the fence or wall.

b. The total area of the fence or wall is measured as the smallest regular shape containing all elements of the fence or wall, excluding the top portions of finials or posts.




$$\frac{\text{Solid Area}}{\text{Total Area}} = \textbf{Opacity (\%)}$$

c. When the opacity requirement applies to a portion of the fence or wall, total area is measured as only the portion specified by the requirement.

# 4.8.2. Retaining Walls

## A. Intent

To prevent retaining walls from looming over neighboring properties and public rights-of-way and improve the aesthetic quality of large retaining walls.

## B. Applicability

Retaining wall standards are applicable to all lots.

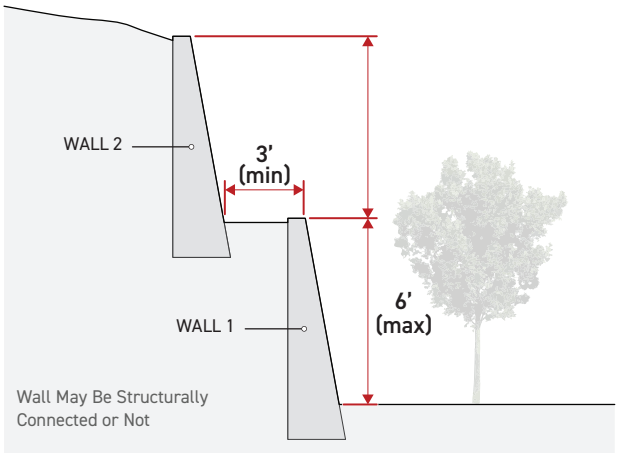
## C. Standards

### 1. General

The maximum height of a retaining wall is 8 feet; however, two or more retaining walls are allowed when they comply with the following standards

a. The minimum horizontal distance between the walls is 3 feet.

b. None of the retaining walls exceeds 6 feet in height.




c. A retaining wall located in a yard must not exceed the maximum height of the fence and wall type specified for the zoning district.

### 2. Landscaping

All retaining walls of 6 feet or greater in height must be landscaped to be completely screened from view to the standards of a Moderate Impact Frontage Screen (see *4.7.3. Frontage Screens*).

## D. Measurement

The height of a retaining wall is measured from the top of the wall to the adjacent lowest ground elevation on the outside of the wall.

# DIV. 4.9. LANDSCAPING

## 4.9.1. Tree Preservation and Replacement

### A. Intent

To facilitate the creation of a convenient, attractive, ~~and~~ harmonious, sustainable, and resilient community and to protect and maintain the environmental quality in the City by providing standards for the preservation of trees as a part of the land development process, including the protection of specimen trees while providing for reasonable use of land, in support of a healthy urban ecological system.

### B. Applicability

Tree preservation requirements apply to all lots.

### C. Permit Required

A Tree Removal Permit is required prior to the removal of any tree with an 8-inch diameter breast height (DBH) or more (see *5.2.10. Permit Review*).

### D. Standards

#### 1. General

a. All projects must include provisions for the preservation and planting of trees on the site to the extent that, at 10 years from planting, minimum tree canopy cover will be provided as follows:

| Zoning Districts | Percentage of Canopy Cover (min) |
|---|---|
| **Residential** | |
| All R- districts | 20% |
| **Residential Mixed Use** | |
| All RX- districts | 10% |
| **Corridor Mixed Use** | |
| All CX- districts | 10% |
| **Node Mixed Use** | |
| All NX- districts | 10% |
| DX | 10% |
| **Industrial** | |
| All IX- districts | 10% |
| **Special** | |
| All special districts | 15% |

b. The requirements of this Section may be waived, in whole or in part, by the Administrator in the following circumstances:

i. Dedicated school sites, playing fields and other non-wooded recreation areas, and other facilities and uses of a similar nature;

ii. To allow for the preservation of wetlands; or

iii. When strict application of the requirements would result in unnecessary or unreasonable hardship to the developer.

c. Trees required by the following standards may be counted toward tree cover requirements:

i. Greenscape trees required by *4.4.5. Streetscape Standards*;

ii. Parking lot trees required by *4.5.5. Vehicle Parking Design*; and

iii. Screening trees required by *4.7.2. Transition Screens* or *4.7.3. Frontage Screens*.

d. Within the City's Master Tree List, the Administrator may designate any tree species that cannot be planted to meet minimum tree canopy requirements due to any the following:

i. Tendency to negatively impact native plant communities;

ii. Tendency to cause damage to nearby structures and infrastructure; or

iii. Possess inherent physiological traits that cause such trees to structurally fail.

### 2. Preservation of Existing Landscape Features

a. A project must demonstrate reasonable efforts, in light of the proposed project and topography of a particular site, to preserve, replenish, protect and utilize the following types of landscape features:

i. Trees of 8-inch DBH or larger;

ii. Ornamental trees of any size;

iii. Trees within required setbacks or along boundaries, unless necessary to remove for access, grading, tree health, circulation, utilities or drainage;

iv. Streams in their natural condition; and

v. Natural features of the site which promote energy conservation.

b. The Administrator may require a project to preserve existing landscape features, upon a determination (following a site inspection) that the features contribute significantly to the character of the neighborhood or are unique in character, and that the preservation of such features is necessary to satisfy the intent of this Section.

c. Where existing trees are preserved on the project site, a tree canopy bonus may be granted by the Administrator as follows:

i. In calculating the coverage provided by trees shown on the approved landscape plan, an existing tree included on the conservation checklist will be deemed to cover an area equal to 1.5 times the diameter of the tree's existing dripline. In order to qualify for this bonus, an existing tree must have a minimum of an 8 inch DBH.

ii. Trees of exceptional size, canopy, specimen type, age or historical value may be credited as up to 4 trees of the same function group, for purposes of satisfying landscaping and screening requirements.

d. For existing landscaping to count toward the requirements of this Section, a project must include a tree protection plan with measures to protect existing trees during construction, according details in the Best Management Practices for Tree Preservation, Transplanting, Removal, and Replacement Manual.

e. Existing trees infested with disease or insects or structurally damaged to the extent that they pose a hazard to persons or property, or to the health of other trees on site, cannot be included to meet the tree cover requirements.

f. The Administrator may refuse to approve any project that proposes unnecessary destruction of trees or other natural features.

### E. Measurement

Percentage of canopy cover is calculated by multiplying the required percentage by the gross site area of the lot.

## 4.9.2. Planting Requirements

### A. Intent

To facilitate the creation of a convenient, attractive, and harmonious community and to protect and maintain the environmental quality in the City by providing the necessary supplemental information for all applicable planting and landscaping requirements of this Development Code, in support of a healthy urban ecological system.

### B. Applicability

The planting requirements apply to any plant material used to meet a requirement of this Development Code.

### C. Standards

#### 1. General

a. Plant materials must be selected from the Master Tree List of approved plantings, Alternative plant materials not listed on the Master Tree List may be approved by the Administrator.

b. When more than 5 plants are installed, no more than 50% of the plants may be of the same species.

c. Plant materials must be locally hardy to their specific planting location.

d. Plant materials must be able to survive on natural rainfall once established with no loss of health~~, or an irrigation system must be provided~~.

e. A natural-appearing dispersion and spacing of trees and shrubs throughout the site is encouraged.

2. **Planting Size**

   All plant material must conform to the minimum size or height standards in the Master Tree List.

3. **Trees**

   a. All planting areas must provided the minimum soil volume required by tree size according to the specifications of the Standards and Design manual and Master Tree List. Only trees with adequate soil volumes will be counted toward the minimum tree canopy cover requirement.

   b. Only trees having a mature height of less than 20 feet may be installed under overhead utility lines, except with the approval of the Administrator.

4. **Shrubs**

   A mix of evergreen and deciduous shrubs is recommended.

5. **Installation**

   a. Plant material must be installed according to the specifications of the Best Management Practices for Tree Preservation, Transplanting, Removal, and Replacement Manual, Virginia Nurseryman's Association, the Virginia Society of Landscape Designers, and the Virginia Chapter of the American Society of Landscape Architects. This includes removal of straps, burlap wraps, cutting of wire baskets, and proper mulch techniques.

   b. All planting areas must be protected from vehicle damage by the installation of curbing or other methods approved by the Administrator. Alternative barrier designs which provide improved infiltration or storage of stormwater are strongly encouraged.

   c. The plant materials used in and around parking lots and adjacent to streets and pedestrian accessways must have a height at maturity designed to ensure visibility at intersections and safety of pedestrians.

   d. All planting areas must be stabilized with ground covers, mulches, or other materials approved by the Administrator to prevent soil erosion and to allow rainwater infiltration. Rubber mulch is not acceptable.

6. **Maintenance**

   a. Plant materials must be maintained in good and healthy condition.

   b. Planting areas must be kept free of weeds and trash.

   c. All plant and other materials used to comply with this Section must be placed in such a manner as to ensure maintenance access, to maintain unobstructed sight distances, to avoid encroachment on neighboring property, and must be a species suitable for proposed location, including conflicts with all utility easements and rights-of-way.

## D. Bonding Requirements

### 1. Performance Bonds

a. The Administrator may require that landscaping shown on an approved landscaping plan be either installed or sufficiently bonded to guarantee installation, prior to the issuance of a Certificate of Occupancy. All landscaping must be installed by the first planting season following issuance of a Certificate of Occupancy.

b. The performance bond must be for an amount equal to the value of the required plants and the costs of installation, as determined by the Administrator following consideration of an estimate prepared by a landscape contractor, which estimate must be obtained by the developer and supplied to the Administrator at the time a request for issuance of a Certificate of Occupancy is made.

c. The performance bond will be released when all required plantings have been installed in accordance with the final approved landscape plan, as determined by the Administrator.

d. During any water emergency declared by City Council, the Administrator may prohibit installation of trees, plants or screening materials. In this event, the developer must maintain the performance bond in effect for the duration of the emergency. Once a declaration of water emergency ends, the developer must install the required plants within 60 days.

### 2. Maintenance Bonds

a. A maintenance bond must be posted by the developer in favor of the City. If the landscaping is installed prior to the issuance of a Certificate of Occupancy, then the maintenance bond must be posted prior to the issuance of said Certificate. If the landscaping is bonded for installation, rather than installed prior to the issuance of a Certificate of Occupancy, then the maintenance bond must be posted when the materials are planted and before the performance bond is released.

b. The maintenance bond must be in the amount of 1/3 of the value of the performance bond, and must be held for a period of 12 months following the planting date. When existing plantings are preserved in lieu of required new plantings, the bond must be calculated according to the replacement value of plantings that meet the minimum requirements of this Division.

c. At the end of the 12-month time period, the bond must be released if all plantings are in healthy condition, as determined by the Administrator. Thereafter, landscaping must be maintained in a healthy condition by the current owner of the property on which such materials are planted, or property owners' association (where applicable) and replaced when necessary. Replacement materials must conform to the original landscape plan.

## E. Measurement

For the measurement of caliper, diameter breast height (DBH), height, and canopy spread, see the "Methods of Measurement" Section of the latest version of the American Standard for Nursery Stock (ANSI Z-60.1).

# DIV. 4.10. ENVIRONMENTAL SUSTAINABILITY

## 4.10.1. Critical Slopes

### A. Intent

To protect and maintain the environmental quality in the City by limiting development and disturbance of steeply sloped areas near waterways, adjacent properties, and environmentally sensitive areas to protect those steeply sloped areas and waterways from the negative impacts of erosion and stormwater as well as preserve their ecological value.

### B. Applicability

1. Critical slope requirements apply to project sites that include any portion of sloped area that has all of the following criteria:
    a. A grade of 25% or greater;
    b. A portion of the slope has a horizontal run of greater than 20 feet;
    c. An area of 6,000 square feet or greater; and
    d. A portion of the slope is within 200 feet of any waterway protected by the Standard and Design Manual or Chapter 10 of the Charlottesville Code of Ordinances, or shown on the map entitled "Properties Impacted by Critical Slopes", maintained by the Neighborhood Development Services.
2. Where the Administrator determines that there is no reasonable alternative location or alignment, and that the applicant has identified protective and restorative measures, the following are exempt from the requirements of this Section:
    a. Driveways;
    b. Public utility lines and appurtenances;
    c. Stormwater management facilities;
    d. Other public facilities necessary to allow the use of the parcel; and
    e. Environmental restoration projects.

### C. Standards

1. No buildings, structures, or other improvements are permitted in the part of a project site with a grade of 25% or greater.
2. No land disturbance is permitted in the part of a project site with a grade of 25% or greater.
3. No lot may be created without an adequate buildable area that does not violate the requirements above as determined by the Administrator.

## D. Relief

An applicant may seek a Critical Slopes Special Exception (*5.2.16. Critical Slopes Special Exception*) to allow encroachment into any area of a project site that meets the Applicability requirements of this Section.

# DIV. 4.11. **SIGNS**

## 4.11.1. **Intent**

To facilitate the creation of a convenient, attractive, and harmonious community by promoting public safety and welfare by regulating signs in a manner that provides reasonable protection to the visual environment.

## 4.11.2. **Applicability**

All signs erected, installed, structurally altered, or otherwise modified after the effective date of this Development Code. Nonconforming signs are subject to the provisions of *5.3.5. Nonconforming Signs*.

## 4.11.3. **Sign Permits**

### A. **Permit Required**

1. Unless specifically exempted in B. below, a Sign Permit issued by the Administrator must be obtained through the *5.2.10. Permit Review* process prior to erection, installation, display, structural alteration, or change of any sign.
2. For signs within an ADC District, HC District, Entrance Corridor, or an IPP, a Certificate of Appropriateness will be issued in lieu of a Sign Permit according to *5.2.6. Minor Historic Review*, *5.2.7. Major Historic Review*, and *5.2.8. Corridor Review*.

### B. **Permit Not Required**

1. Signs that do not require a permit are not considered in determining the allowable number or size of signs on a lot.
2. A permit is not required for the following types of signs, provided all applicable provisions of this Section are met:

    a. **Public Interest Signs**

    Signs of public interest, erected by or on the order of a public officer in the performance of their duty, such as public notices, safety sign, danger signs, trespassing signs, traffic and street signs, wayfinding signs, memorial plaques and signs of historical interest.

    b. **Signs Not Visible**

    Any sign internal to a project not visible from the right-of-way or neighboring property.

    c. **Flags**

    Flags flying from a flagpole with noncommercial content, where no more than 3 flags are displayed at any one time, no individual flag exceeding 50 square feet in area.

d. **Home Occupation Signs**

i. Each residential unit is permitted a 1 square foot permanent wall sign to be attached to their primary structure, to be placed within 4 feet of an entryway when associated with a valid accessory use or structure permit.

ii. No internal or external illumination of a home occupation sign is permitted.

e. **Small Temporary Signs**

i. **General**

a) A small temporary sign is any sign with a sign area of 10 square feet or less, which is placed to advertise, announce, or pertains to a specific event or occurrence, which is not designed or intended to be placed permanently, except sidewalk signs. Sidewalk signs must meet the standards of *4.11.7. Sidewalk Signs*. Any temporary sign with a sign area larger than 10 square feet is considered a large temporary sign and must meet the standards of *4.11.6. Large Temporary Signs*.

b) Small temporary signs must be rectangular in shape.

c) Small temporary signs must installed either:

1) Flat against the facade at a height of no more than 12 feet above grade, or

2) Mounted on posts no more than 6 feet above grade.

ii. **Residential (R-) Districts, ADC Districts, and IPPs**

In a R- District, ADC District, and IPPs, small temporary signs must meet the following standards:

a) The maximum total sign area is 10 square feet per lot.

b) Small temporary signs may be installed for a period not exceeding 30 consecutive days, up to 2 times per 12 month period.

c) No internal or external illumination of small temporary signs is permitted.

iii. **All Other Districts**

In a RX-, CX-, NX-, IX-, or Special District, small temporary signs must meet the following standards:

a) Lots are granted up to 10 square feet of small temporary sign area without a permit.

b) Small temporary signs may be used for a period not exceeding 30 consecutive days, up to 2 times per any 12 month period. Additional posting time may be allowed by the Administrator, provided a temporary activity on the site is continuing or an emergency circumstance warrants the additional sign duration for a public purpose.

f. **Other Signs**

i. Window signs attached to the glass not exceeding 2 square feet.

ii. Wall signs not exceeding 2 square foot in area with noncommercial content.

## 4.11.4. Prohibited Signs

The following signs and sign characteristics are prohibited in all zoning districts, unless otherwise provided within this Section:

A. Signs that violate state or federal law are prohibited, including, but not limited to:

1. Signs that violate any law of the Commonwealth of Virginia related to outdoor advertising, including, but not limited to *Code of Virginia § 33.1-351 to 33.1-381*, inclusive, and *§ 46.2-831*, related to Virginia byways or scenic highways; or related to the state building or fire codes.

2. Signs that violate any law of the United States related to the control of outdoor advertising, including, but not limited to *23 U.S.C. § 131*.

B. Signs that create safety hazards or are contrary to the general welfare are prohibited, as follows:

1. Any sign that is nailed, tacked, painted or in any other manner attached to any tree, cliff, fence, utility pole or support, utility tower, telecommunications or radio tower, curbstone, sidewalk, lamp post, hydrant, bridge, or any kind of public property; provided that this provision will not affect traffic, parking or informational signs placed by a public authority.

2. Any sign on public land or right-of-way, other than those erected at the direction of a public authority, or by an official of the state or county pursuant to statute or ordinance, and those otherwise authorized by this Section.

3. Any sign that moves or contains or consists of a searchlight, beacon, strobe light, flashing lights or similar form(s) of illumination; provided that this provision will not affect traffic, parking or informational signs placed by a public authority.

4. Any sign that includes scrolling messages or video.

5. Any off-premises sign, whether commercial or non-commercial. Where the owner or lessor of the premises is seeking a new tenant, signs relating to the activities of the previous tenant may remain in place for not more than 30 days from the date of vacancy.

6. Any sign that creates a public safety hazard, as determined by the Fire Code Official, the Building Code Official, a Law Enforcement Officer, the City Engineer, the Administrator, or the City Traffic Engineer including, without limitation: signs erected in a location so as to be unsafe or an obstruction to vehicular, bicycle or pedestrian traffic; a sign that prevents egress or ingress from a required door, window or fire escape; a sign that obstructs ventilation; or a sign that imitates an official traffic sign, signal or road name sign.

7. Any sign that obscures a sign displayed by a public authority.

8. Any sign that produces sound, odor, liquid or visible matter such as smoke or vapor.

9. Roof signs.

10. Any portable sign except sidewalk signs that meet the requirements of *4.11.3. Sign Permits*.

11. Inflatable signs. .

12. Signs intended to flutter in the wind to attract attention.

C. Neon signs, except as allowed by the Administrator or Board of Architectural Review.

D. Signs greater than 2 square feet in area, on or within a vendor stand.

## 4.11.5. General Sign Requirements

### A. Conflicting Laws or Regulation

Where this Section differs in any manner from the provisions of the current Virginia Uniform Statewide Building Code, other provisions of this Development Code or any other ordinance or regulation of the City, the ordinance, code or regulation imposing the greatest restriction upon the use of any sign as to time, place and manner control.

### B. Building Code Compliance

The structural components of a sign (including, without limitation, lighting fixtures) must be constructed, installed and maintained in accordance with the requirements of the current Virginia Uniform Statewide Building Code.

### C. Public Liability Insurance

1. A person must not erect, install, structurally alter, or otherwise modify any sign over public property for which a permit is required under the provisions of this Section until the sign owner presents satisfactory evidence that a public liability insurance policy with a minimum of $300,000.00 single limit coverage is in force during the term of this permit.

2. Such insurance policy must protect and save the City from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor or agents, or by any reason of defects in the construction or damages resulting from the collapse, failure or combustion of the parts thereof.

3. The obligation herein specified must remain in force and effect during the life of every sign and must not be canceled by the principal or surety until after a thirty-day notice to the Administrator, after which time the sign must be immediately removed.

### D. Signs Placed by Public Authority

1. The City Manager or their designee may place or cause to be placed signs in the public right-of-way and in or upon any public property.

2. The City Manager or their designee may authorize the temporary placement of a banner over or within a public right-of-way, pursuant to the regulations duly enacted by the City Manager.

### E. Display of Noncommercial Message

Any sign authorized in this Section may display a noncommercial message in lieu of other copy.

### F. ADC Districts, HC Districts, Entrance Corridors, and IPPs

1. The character of all signs must be harmonious with the character of the structure on which they are to be placed. Among other things, consideration will be given to the following:
    a. Location of signs on the structure in relation to the surrounding buildings;
    b. Use of compatible colors;
    c. Use of appropriate materials;
    d. Size and style of lettering and graphics; and
    e. Type of lighting.
2. Notwithstanding any contrary provisions of this Division, the restoration or reconstruction of an original sign associated with an IPP is permitted, provided the establishment identified in the sign is still in operation at that location.

## 4.11.6. Large Temporary Signs

A. A large temporary sign is any sign with an area of greater than 10 square feet which is placed to advertise, announce, or pertains to a specific event or occurrence, which is not designed or intended to be placed permanently. Large temporary signs must meet the following standards:
    1. Large temporary signs must be rectangular in shape.
    2. Large temporary signs are not permitted in Residential (R-)~~, ADC~~ Districts~~ or IPPs~~.
    3. Large temporary signs must not exceed 32 square feet.
    4. One large temporary sign is permitted per lot at any time.
    5. Large temporary signs may be used for a period not exceeding 30 consecutive days, up to 2 times per any 12 month period. Additional posting time may be allowed by the Administrator, provided a temporary activity on the site is continuing or an emergency circumstance warrants the additional sign duration for a public purpose.
B. Large temporary signs are not considered in determining the allowable number or size of permanent signs on a lot.

## 4.11.7. Sidewalk Signs

A. A sidewalk sign is a movable sign wholly independent of a building for support, but not permanently secured or attached to anything.
B. One sidewalk sign that meets the following standards is allowed per business:
    1. The sign must be a sandwich board sign or located within an outdoor dining area, and must meet the following size requirements:
        a. Sandwich board signs cannot exceed a height of 4 feet, or an area of 8 square feet per sign face.

b. Signs located within an outdoor dining area cannot exceed a height of 5 feet, or an area of 3 square feet per sign face.

2. The sign must allow for at least a 4 foot wide clearance if placed on a sidewalk, pedestrian passageway, or pedestrian accessway, unless otherwise noted in this Section.

3. The person placing the sign first agrees to indemnify the City against any liability arising from the placement of such a sign.

4. The sign cannot be illuminated.

5. The sign cannot be located in any required off-street parking space, driveway, or alley.

6. A sidewalk sign in an ADC District must comply with the design guidelines of the district. .

7. Businesses fronting on the Downtown Mall may place a sidewalk sign on the mall immediately in front of their place of business, and on top of the drain channel that runs parallel to the building facades, provided a minimum of 8 feet of open sidewalk space is maintained.

8. Businesses fronting on each side street leading from the Downtown Mall to either Water Street or Market Street, fronting on West Main Street from Ridge-McIntire to 13th Street, NW, and fronting on the "Corner" district along University Avenue from 13th Street, NW to Chancellor Street and along Elliewood Avenue and 14th Street, NW from University Avenue to Wertland Street may place a sandwich board sign immediately adjacent to their property, provided that the following additional requirements are met:

   a. The sign is removed during non-business hours; and

   b. The sign is no wider than 2 feet and allows for a minimum of 3 feet of open sidewalk space.

C. Sidewalk signs are not considered in determining the allowable number or size of signs on a lot.

## 4.11.8. Alternate Sign Plans

A. For projects subject to Development Review (*5.2.9. Development Review*) or Subdivision Review (*Div. 6.7. Administration*), City Council may modify requirements of this Division by approving an Alternate Sign Plan for a development or project.

B. For the purposes of this Section, the term "Alternate Sign Plan" refers to a written plan detailing the type, quantity, size, shape, color, and location of all signs within the project that is the subject of the plan, where the number, characteristics and locations of one or more signs referenced within the plan do not comply with the requirements of this Division.

C. City Council may approve an Alternate Sign Plan, upon a determination that:

1. There is good cause for deviating from a strict application of the requirements of this Division; and

2. The Alternate Sign Plan, as proposed, will serve the public purposes and objectives set forth within this Division at least as well, or better, than the signage that would otherwise be permitted for the project.

3. Applications for approval of an Alternate Sign Plan must be submitted in writing to the Administrator and must be accompanied by the required application fee.

4. Each application for approval of an Alternate Sign Plan must include the following information:

    a. A written narrative description of the overall plan, including, without limitation: a tally of the total number of signs included within the coverage of the plan, and a summary of how the applicant believes the comprehensive signage plan will serve the objectives set forth within this Division;

    b. A color illustration or photograph of each sign included within the plan. For signs with multiple faces, an illustration or photograph shall be provided for each face. For monument and pole signs, an illustration or photograph of proposed landscaping must be provided;

    c. A written description of the type, size (dimensions), materials, and proposed location of each sign;

    d. A map or other written identification and description of all existing signs on the property comprising the project;

    e. Color illustrations or photographs of signage existing on adjacent properties; and

    f. A written description (and illustration or photograph) of proposed lighting (for illuminated signs).

# 4.11.9. Permanent Signs

## A. District Permissions

The following sign types are allowed by zoning district category and Architectural Design Control District. Specific requirements for each sign type are listed on the following pages.

| Sign Type | Residential (R-) | Residential Mixed Use (RX-) | Corridor Mixed Use (CX-) | Node Mixed Use (NX-) | Industrial Flex (IX-) | Special | West Main St. ADC District | All Other ADC Districts | Standards |
|---|---|---|---|---|---|---|---|---|---|
| **Building Signs** | | | | | | | | | |
| Awning | ◘ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | *4.11.9.D. Awning Sign* |
| Canopy | ◘ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | *4.11.9.E. Canopy Sign* |
| Marquee | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | *4.11.9.F. Marquee Sign* |
| Projecting | ◘ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | *4.11.9.G. Projecting Sign* |
| Wall | ◘ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | *4.11.9.H. Wall Sign* |
| Window | ◘ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | *4.11.9.I. Window Sign* |
| **Freestanding Signs** | | | | | | | | | |
| Entrance | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | *4.11.9.J. Entrance Sign* |
| Monument | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- | *4.11.9.K. Monument Sign* |
| Pole | -- | -- | ■ | ■ | ■ | ■ | ■ | -- | *4.11.9.L. Pole Sign* |
| Suspended Pole | ◘ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | *4.11.9.M. Suspended Pole Sign* |

**KEY:** ■ = Sign type allowed ◘ = Sign type allowed for nonresidential uses only -- = Sign type not allowed

## B. Sign Categories

### 1. Building Signs

Building signs include awning, canopy, marquee, projecting, wall, and window sign types.

### 2. Freestanding Signs

Freestanding Signs include entrance, monument, pole, and suspended post sign types.

## C. Maximum Sign Area

The total area of all building signs and freestanding signs on a lot cannot exceed the following:

| Zoning Districts | Total Sign Area (max) |
|---|---|
| **Residential** | |
| All R- districts | 12 SF |
| **Residential Mixed Use** | |
| All RX- districts | 75 SF |
| **Overlay Districts** | |
| ADC Districts: N. Downtown; Wertland St; Ridge St; Oakhurst-Gildersleeve; Rugby Road, University Circle, Venable | 12 SF |
| ADC Districts: Downtown; Corner | 50 SF |
| ADC Districts: West Main Street | 75 SF |
| Entrance Corridors | 75 SF |
| **All Other Districts** | |
| CX-, NX-, DX, IX, and Special Districts | See standards for each sign type |

## D. AWNING SIGN

### 1. DESCRIPTION

A building sign where graphics or symbols are painted, printed, sewn, or otherwise adhered to the material of an awning as an integrated part of the awning itself.

### 2. GENERAL STANDARDS

a. ~~An awning sign must be placed on the face or the valance of the awning that are parallel to the building face.~~

b. Only awnings over ground-story doors or windows may contain signs. An awning containing a sign cannot extend above the height of the bottom sill of any second story window of the building facade to which it is attached.

c. An awning sign cannot project over any public right-of-way (including, without limitation, any public sidewalk), except as may be allowed pursuant to *4.11.5.C. Public Liability Insurance*.

### 3. NUMBER OF SIGNS

Maximum of 1 per awning.

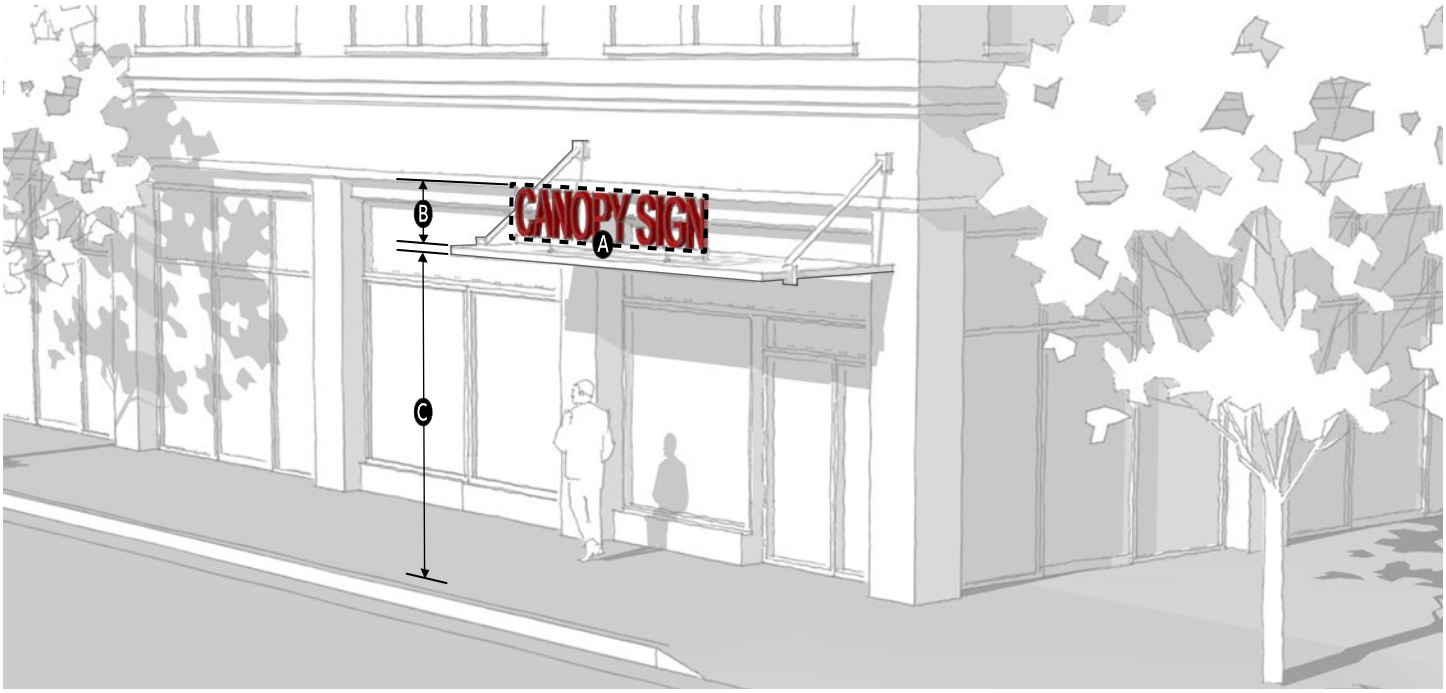
### 4. TOTAL SIGN AREA

| | |
|---|---|
| Combined area of all building signs (max) | 1 SF per linear foot of building frontage or 30 SF, whichever is greater. |

### 5. INDIVIDUAL SIGN DIMENSIONS

| | |
|---|---|
| Ⓐ Area (max) | 1 SF per linear foot of awning or 20 SF, whichever is lesser. |

## E. CANOPY SIGN




### 1. DESCRIPTION

A building sign attached to a canopy with a display surface parallel to the plane of the building facade.

### 2. GENERAL STANDARDS

a. Only canopies over ground-story doors or windows may contain a sign. A canopy containing a sign cannot extend above the height of the bottom sill of any second story window of the building facade to which it is attached.

b. A canopy sign may be externally and internally illuminated in accordance with *4.11.11. Illumination*.

c. A canopy sign cannot project over any public right-of-way (including, without limitation, any public sidewalk), except as may be allowed pursuant to *4.11.5.C. Public Liability Insurance*.

### 3. NUMBER OF SIGNS

Maximum of 1 per canopy.

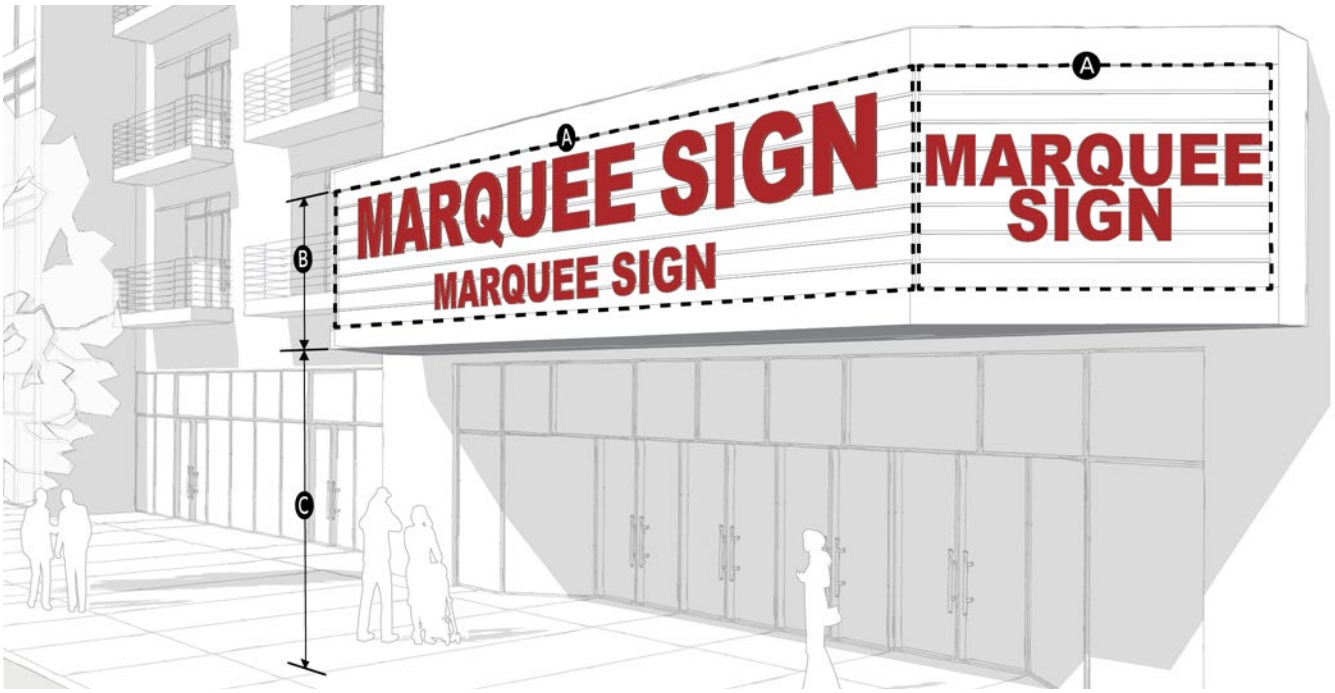
### 4. TOTAL SIGN AREA

| | |
|---|---|
| Combined area of all building signs (max) | 1 SF per linear foot of building frontage or 30 SF, whichever is greater. |

### 5. INDIVIDUAL SIGN DIMENSIONS

| | | |
|---|---|---|
| A | Area(max) | 1 SF per linear foot of awning or 20 SF, whichever is lesser. |
| B | Height (max) | 3 feet |
| C | Clear height above sidewalk (min) | 8 feet |
| | Clear height above parking area or driveway (min) | 14 feet |

## F. MARQUEE SIGN




### 1. DESCRIPTION

A building sign attached to a marquee, including a reader-board.

### 2. GENERAL STANDARDS

a. A marquee sign may be internally illuminated in accordance with *4.11.11. Illumination*.

b. A marquee sign cannot project over any public right-of-way (including, without limitation, any public sidewalk), except as may be allowed pursuant to *4.11.5.C. Public Liability Insurance*.

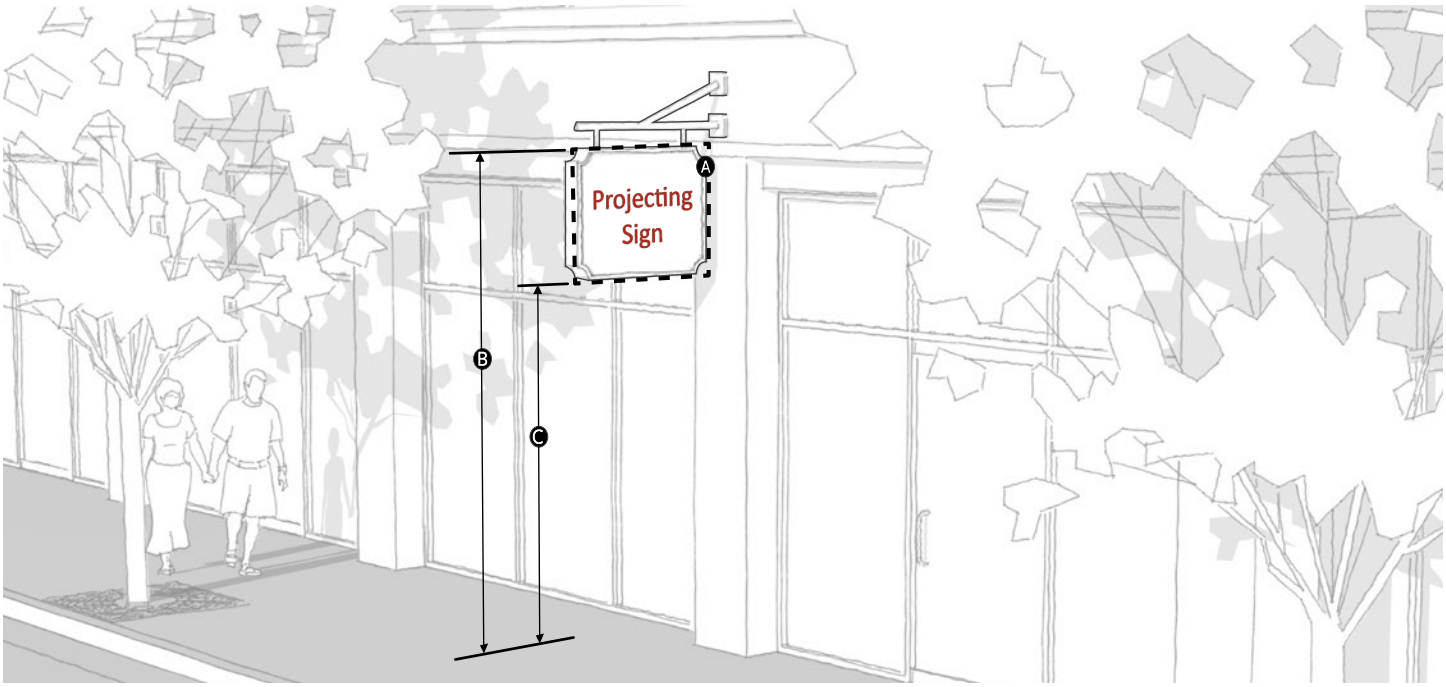
### 3. TOTAL SIGN AREA

| | |
|---|---|
| Combined area of all building signs (max) | 1 SF per linear foot of building frontage or 30 SF, whichever is greater. |

### 4. INDIVIDUAL SIGN DIMENSIONS

| | | |
|---|---|---|
| A | Area, all faces (max) | 60 SF |
| B | Height above bottom of marquee (max) | 5 feet |
| C | Clear height above sidewalk (min) | 10 feet |

## G. PROJECTING SIGN




### 1. DESCRIPTION

A building sign that is attached approximately perpendicular to the exterior wall of a building or structure, typically extending 12 inches or more from the wall.

### 2. GENERAL STANDARDS

a. A projecting sign must be located below the window sills of the 2nd story on a multi-story building or below the roof line on a single story building.

b. A projecting sign must be at least 15 feet from any other projecting sign.

c. A projecting sign that meets the following standards does not count toward the total sign area:

i. Sign area does not to exceed 6 square feet.

ii. Sign height does not exceed 15 feet measured from grade to the top of the sign.

iii. Must be located within 5 feet of a ground story tenant entrance.

d. A projection sign cannot project over any public right-of-way (including, without limitation, any public sidewalk), except as may be allowed pursuant to *4.11.5.C. Public Liability Insurance*.

### 3. NUMBER OF SIGNS

Maximum of 1 per building entrance

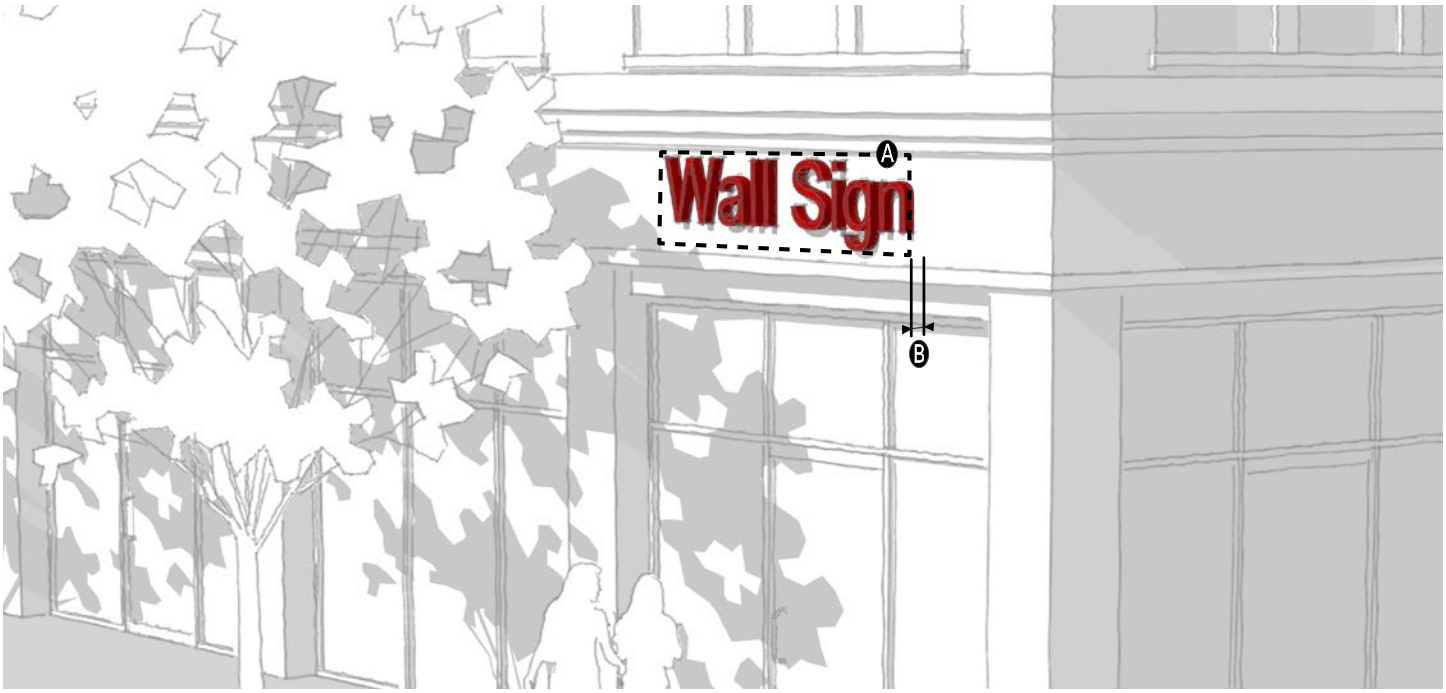
### 4. TOTAL SIGN AREA

| | |
|---|---|
| Combined area of all building signs (max) | 1 SF per linear foot of building frontage or 30 SF, whichever is greater. |

### 5. INDIVIDUAL SIGN DIMENSIONS

| | | |
|---|---|---|
| A | Area (max) | |
| | Downtown, Corner, and West Main St ADC Districts | 10 SF |
| | All other districts | 30 SF |
| | Height above grade (max) | 25 feet |
| | Projection width (max) | 3.5 feet |
| B | Clear height above sidewalk (min) | 8 feet |
| | Clear height above parking area or driveway (min) | 14 feet |

## H. WALL SIGN




### 1. DESCRIPTION

A building sign attached flat and parallel to the exterior wall of a building or structure, extending no more than 12 inches from the wall.

### 2. GENERAL STANDARDS

a. Not allowed above roof line or parapet.

b. A wall sign must be located below the window sills of the 2nd story on a multi-story building.

c. May only be displayed on facades that include a customer entrance or the appearance of display windows.

d. ~~All wall signs for a single building must be coordinated as to color and lettering.~~

e. A wall sign cannot cover, cross or otherwise hide any column, belt course or other decorative architectural feature of a building, including any balcony.

### 3. NUMBER OF SIGNS

Maximum of 1 per lot or 30' of building frontage, whichever is greater.

### 4. TOTAL SIGN AREA

| | |
|---|---|
| Combined area of all building signs (max) | 1 SF per linear foot of building frontage or 30 SF, whichever is greater. |

### 5. INDIVIDUAL SIGN DIMENSIONS

| | | |
|---|---|---|
| A | Area (max) | |
| | N. Downtown; Wertland St; Ridge St; Oakhurst-Gildersleeve; Rugby Rd, University Circle, Venable ADC Districts | 6 SF |
| | All other districts | 50 SF |
| | Height above grade (max) | 20 feet |
| B | Projection width (max) | 1 foot |

# I. WINDOW SIGN

## 1. DESCRIPTION

A building sign which is painted on, applied to, attached to or projected upon the glass area of a building facade, including doors, or located within 12 inches of the interior of a window.

## 2. GENERAL STANDARDS

a. Window signs may be displayed in ground floor windows only.

b. No combination of temporary and permanent window signs may cover more than 50% of any window panel.

## 3. NUMBER OF SIGNS

Maximum of 2 per lot or per 30' of building frontage, whichever is greater.

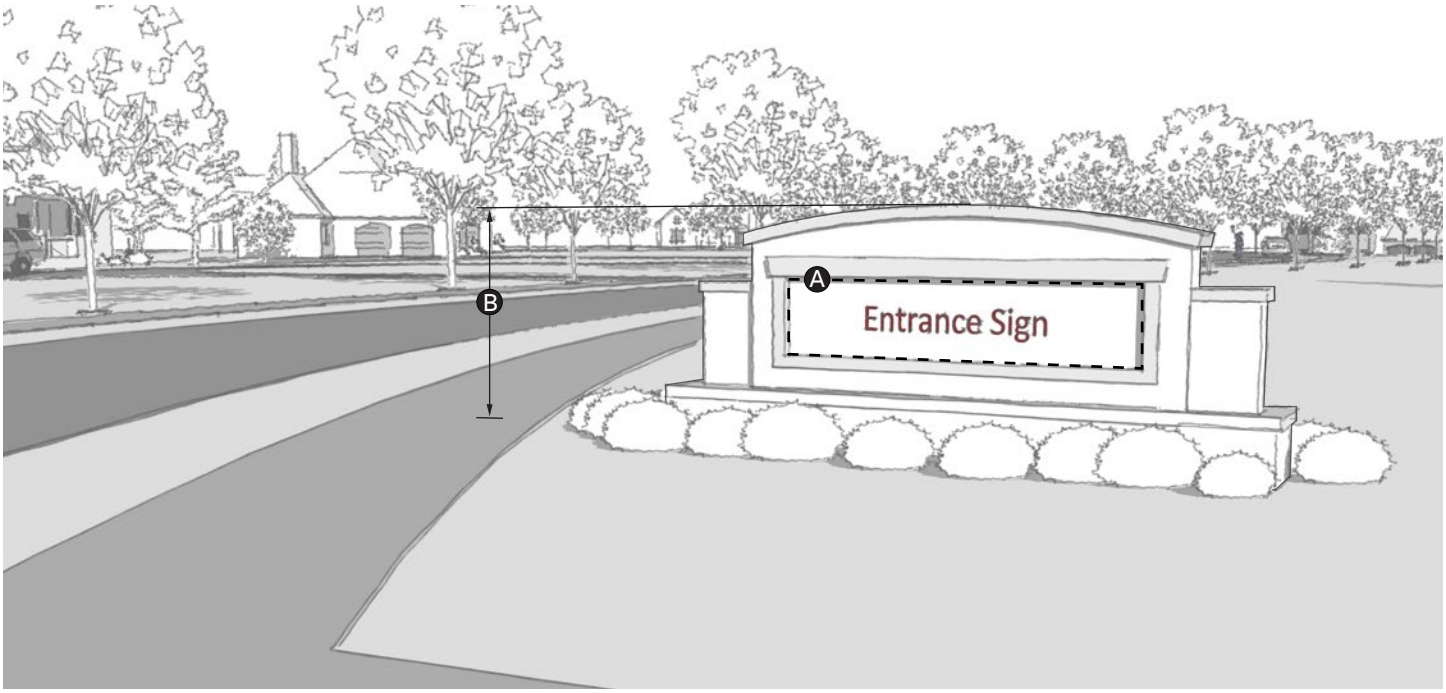
## 4. TOTAL SIGN AREA

| | |
|---|---|
| Combined area of all building signs (max) | 1 SF per linear foot of building frontage or 30 SF, whichever is greater. |

## 5. SIGN DIMENSIONS

| | | |
|---|---|---|
| A | Area per sign with an opaque background (max) | 10 SF |
| B | Area per sign with no background (max) | None |

## J. ENTRANCE SIGN




### 1. DESCRIPTION

A freestanding sign which has a solid base and is attached to the ground along its entire length that is placed near a driveway or pedestrian accessway into a development from a public right-of-way.

### 2. GENERAL STANDARDS

a. The size of the structure must be incidental to the size of the monument sign itself.

b. An entrance sign cannot encroach upon any public right-of-way or sidewalk.

c. Must be placed within 100 feet of the edge of the public right-of-way.

d. Not permitted with a household living use except at the entrance to a subdivision.

e. All letters included on the sign must have a minimum height of 9 inches.

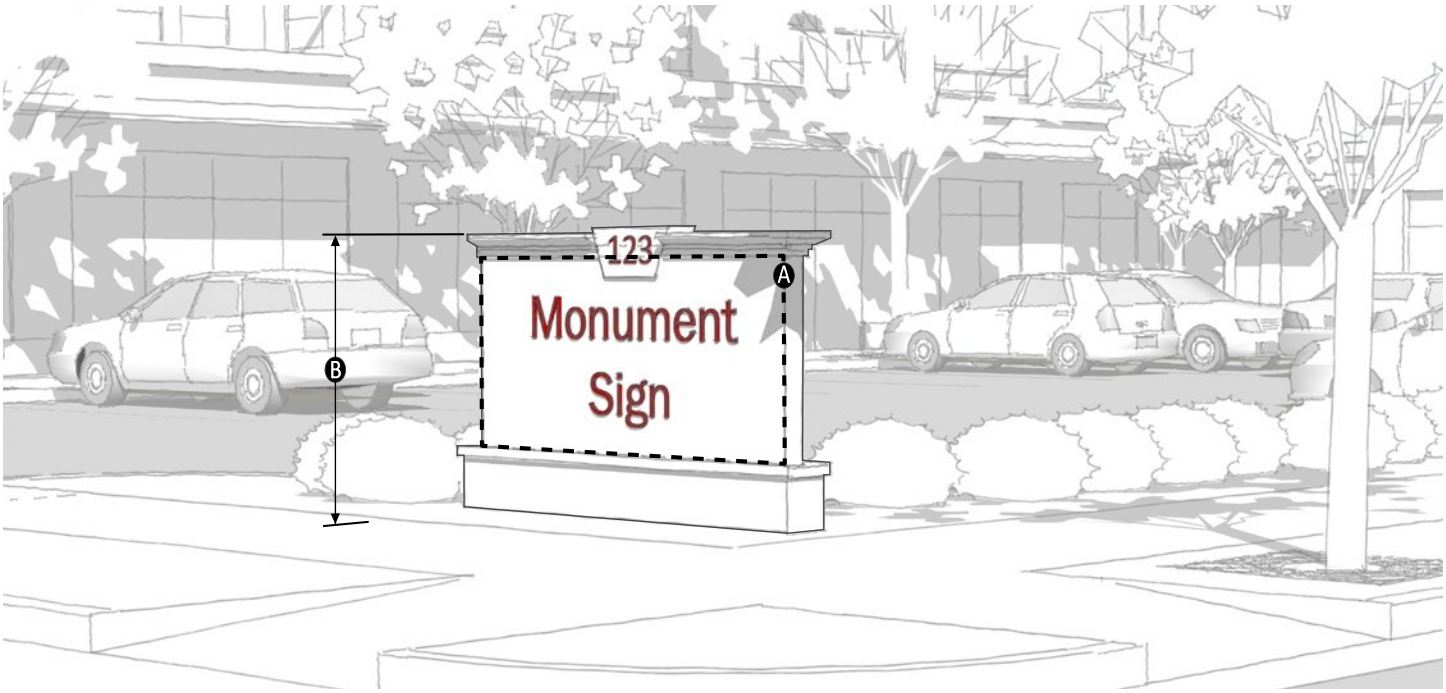
### 3. NUMBER OF SIGNS

| | |
|---|---|
| Combined number of freestanding signs (max) | 1 per street frontage |

### 4. INDIVIDUAL SIGN DIMENSIONS

| | | |
|---|---|---|
| A | Area (max) | 24 SF |
| B | Height (max) | 6 feet |

## K. MONUMENT SIGN




### 1. DESCRIPTION

A freestanding sign which has a solid base and is attached to the ground along its entire length.

### 2. GENERAL STANDARDS

a. The size of the structure must be incidental to the size of the monument sign itself.

b. A monument sign cannot encroach upon any public right-of-way or sidewalk.

c. Must be placed within 100 feet of the edge of the public right-of-way.

d. All letters included in the sign must have a minimum height of 9 inches.

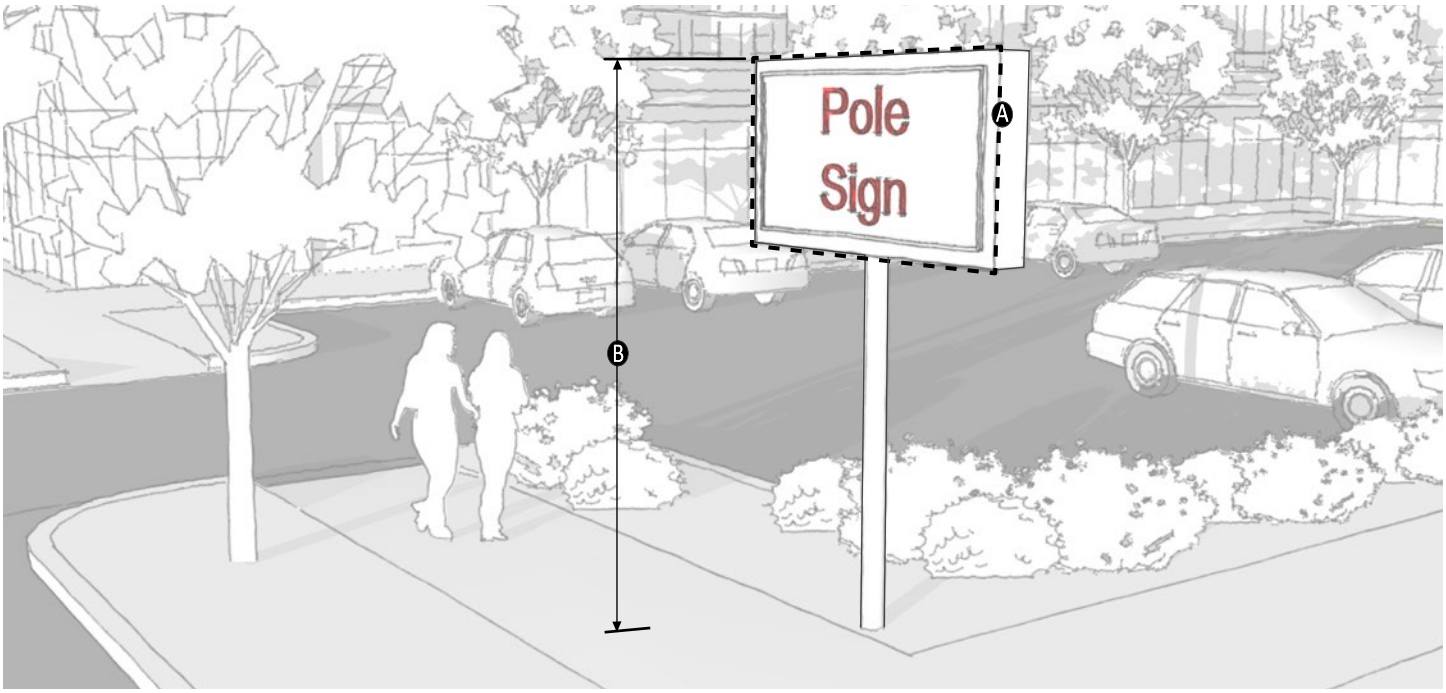
### 3. NUMBER OF SIGNS

| | |
|---|---|
| Number of monument signs (max) | 1 per lot |
| Combined number of freestanding signs (max) | 1 per street frontage |

### 4. INDIVIDUAL SIGN DIMENSIONS

| | | |
|---|---|---|
| A | Area (max) | 24 SF |
| B | Height (max) | 6 feet |

## L. POLE SIGN




### 1. DESCRIPTION

A freestanding sign supported by one or more vertical structures anchored in the ground with space between the bottom of the sign face and the ground below.

### 2. GENERAL STANDARDS

a. A pole sign must be located in a landscaped base.

b. A pole sign cannot encroach upon any public right-of-way or sidewalk.

c. All letters included in the sign must have a minimum height of 9 inches.

### 3. NUMBER OF SIGNS

| | |
|---|---|
| Number of pole signs (max) | 1 per lot |
| Combined number of freestanding signs (max) | 1 per street frontage |

### 4. INDIVIDUAL SIGN DIMENSIONS

| | | |
|---|---|---|
| A | Area (max) | 30 SF |
| B | Height (max) | 10 feet |

## M. SUSPENDED POLE SIGN

### 1. DESCRIPTION

A freestanding sign comprised of a vertical pole, a horizontal decorative sign support, and a suspended sign face.

### 2. GENERAL STANDARDS

a. ~~A suspended pole sign must be located in a landscaped bed.~~

b. A suspended pole sign cannot encroach upon any public right-of-way or sidewalk.

### 3. NUMBER OF SIGNS

| | |
|---|---|
| Combined number of freestanding signs (max) | 1 per street frontage |

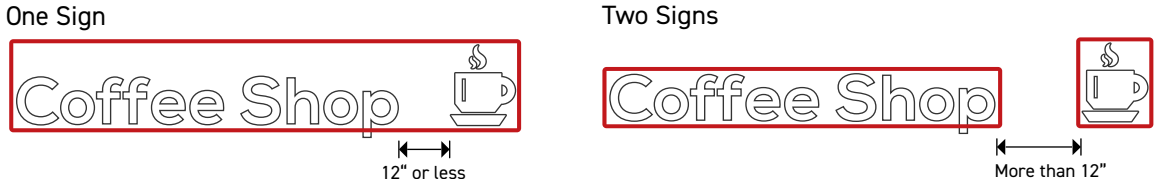
### 4. INDIVIDUAL SIGN DIMENSIONS

| | | |
|---|---|---|
| A | Area (max) | 12 SF |
| B | Height (max) | 12 feet |

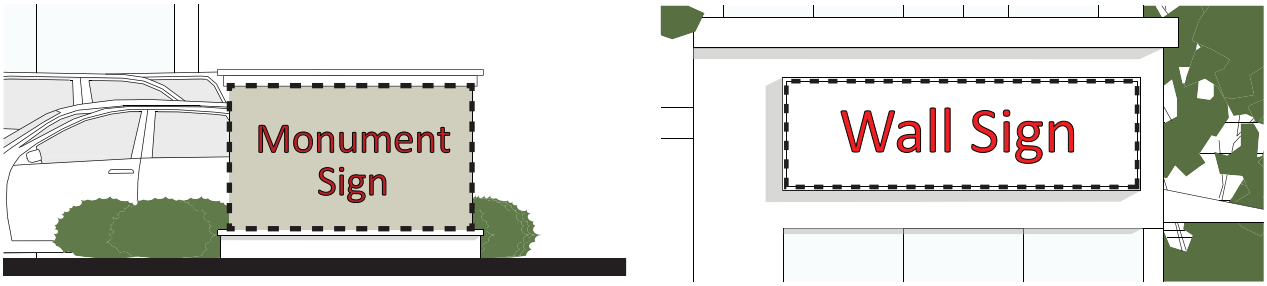
# 4.11.10. Measurement

## A. Sign Area

1. For awning, canopy, wall and window signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses the letters or images as shown below. Images, logos or text greater than 12 inches apart are calculated as separate signs for the purposes of calculating individual sign area.




2. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure on which it is mounted. Includes the face of the structure that the message is affixed to, not including any supports, bracing or street number.




3. For a sign with two faces separated by an interior angle of less than 45 degrees, only the area of the largest sign face is computed as the sign area.

4. For a sign with two faces separated by an interior angle of more than 45 degrees, sign area is computed by adding together the area of both sign faces.

# 4.11.11. Illumination

A. When exposed lamps are used to illuminate signs, they must be equipped with gooseneck reflectors or other devices arranged so as to concentrate the illumination upon the area of the sign and to prevent glare. Special attention must be given to illumination so as to avoid glare upon adjoining residential properties.

B. Each outside lighting installation and each illuminated sign must be controlled by a time switch or externally operable switch which will open all underground conductors and must be suitable for conditions of installation, such as exposure to the weather. Illumination for any sign cannot be directed toward any Residential (R-) or Residential Mixed Use (RX-) district or toward any adjacent street.

C. Illuminated signs cannot use red light unless the sign is associated with an emergency service.

D. For internally-lit signs on a background, the background must be opaque.

E. ~~Internally-lit signs are not allowed in ADC Districts.~~

F. Exterior illumination of signs must comply with applicable provisions of *Div. 4.12. Outdoor Lighting*.

## 4.11.12. Maintenance

A. The owner of a sign is required to keep such sign properly maintained at all times, in accordance with the following standards:

   1. All materials used in the sign must be kept in good condition, free of holes, rotting, peeling paint and other forms of decay.

   2. If the sign is illuminated, all lighting must be maintained in working order.

B. The Administrator has the authority to order the removal, without compensation, of any sign or sign structure that due to neglect or damage poses a clear danger to the health, safety and welfare of the public.

C. In lieu of removal, the Administrator may require the immediate repair of any sign or sign structure which has been damaged or which has deteriorated so as to become a public hazard.

## 4.11.13. Removal

A. Any sign that is hereafter unlawfully installed or maintained, and any nonconforming sign (other than billboards) associated with any business or use that has been vacant for 2 years or more, must be taken down and removed by the owner, owner's agent or other person having the beneficial use of the premises upon which such sign is found, within 30 days after written notification to do so from the Administrator. Upon failure to comply with such notice within the time specified, the Administrator may cause the removal of such sign. Any expenses incident to such removal must be paid by the owner, owner's agent or other person having the beneficial use of the premises from which the sign was removed.

B. Any unauthorized sign erected, posted or maintained on public land or right-of-way is hereby declared and deemed to be a public nuisance, subject to immediate removal by City employees authorized by the Administrator.

# DIV. 4.12. **OUTDOOR LIGHTING**

## 4.12.1. **Intent**

The intent of this Section is to facilitate the creation of a convenient, attractive, and harmonious community and to protect and maintain the environmental quality in the City by:

A. Providing outdoor lighting standards that support a wide variety of land uses;

B. Limiting the environmental impacts associated with artificial lighting, minimize artificial sky glow, and glare;

C. Limiting light trespass onto adjacent properties and the public right-of-way;

D. Conserving energy while maintaining night-time safety, security, and productivity; and

E. Curtailing the degradation of the night-time visual environment.

## 4.12.2. **Applicability**

### A. New Fixtures

All lighting fixtures installed after the effective date of this Development Code are considered new fixtures.

### B. Existing Fixtures

1. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is allowed for all existing fixtures.

2. The installation of site lighting, replacement of site lighting and changes to existing light fixture wattage, type of fixture, mounting or fixture location must be made in compliance with this Section.

### C. Exemptions

The following lighting and related acts are exempt from the requirements of this Section:

1. Lighting which is excluded from local regulation by State or Federal law.

2. Construction, emergency or holiday decorative lighting, provided that the lighting is temporary, and is discontinued within 7 days of completion of the project, emergency or holiday for which the lighting was provided.

3. Lighting of the United States of America or Commonwealth of Virginia flags and other non-commercial flags expressing constitutionally protected speech.

4. Security lighting controlled by sensors, generating a maximum of 6,000 lumens per fixture, and which provides illumination for 15 minutes or less. In Residential (R-) districts, security lighting must not generate more than 3,000 lumens per fixture.

# 4.12.3. Standards

## A. Prohibited Lighting Sources

The following light fixtures and sources are not allowed:

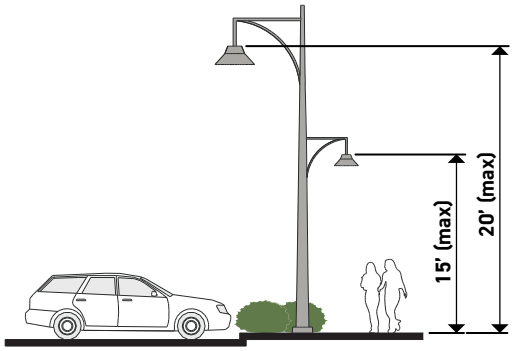
1. Cobra-head-type fixtures having dished or drop lenses or refractors, which contain sources that are not LED.
2. Temporary searchlights and other high-intensity narrow-beam, fixtures that move or shine light directly up into the sky.
3. Any laser or other device that emits light through a process of optical amplification based on the stimulated emission of electromagnetic radiation.
4. Any on-premise or off-premise digital sign that operates at a luminance of greater than 100 nits between sunset and sunrise.

## B. Design and Installation

1. All lighting systems within or abutting a street right-of-way must be designed in accordance with current IESNA standards and recommended practices. See also *Code of Virginia § 2.2-1111* and any implementing regulations of the Virginia Department of Transportation regarding shielded outdoor light fixtures.
2. Light sources must be ~~yellow and not white~~use a color temperature of no more than 3,000K, with a Color Rendering Index (CRI) value of 80 or higher.
3. Lighting must not trespass onto adjacent properties, sidewalks, or rights-of-way and the footcandles at the property line must be no more than 0.5.
4. Service connections for all freestanding lighting fixtures must be installed underground.

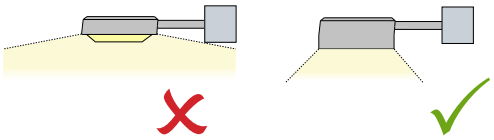
## C. Parking and Pedestrian Area Lighting

1. Light fixtures within parking lots and motor vehicle use areas may be no higher than 20 feet.
2. Light fixtures within pedestrian areas mounted on poles may be no higher than 15 feet.

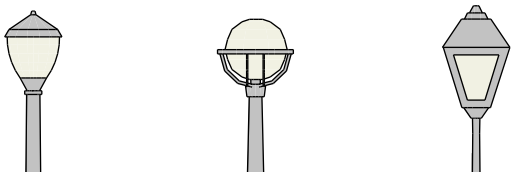



3. Light fixtures within 30 feet of any R-A, R-B or R-C District may be no higher than 12 feet.

4. All light fixtures must use fully-shielded luminaires, except



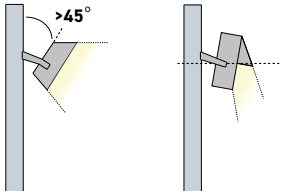
   a. Non-cutoff (unshielded) fixtures may be used when the maximum initial lumens generated by each fixture are less than 1,600 lumens.



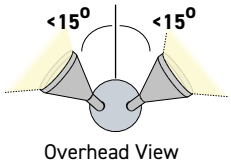
## D. Flood Lights and Flood Lamps

All flood lighting must be activated only by motion-sensors, and must be on a timer limiting the illumination to a maximum of 15 minutes at a time.

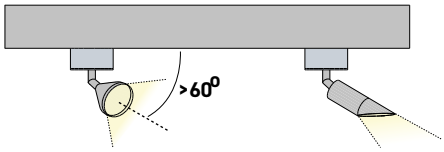
1. Flood light fixtures must either be aimed down at least 45 degrees from vertical or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.




2. Any flood light fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees.




3. All flood lamps must be aimed at least 60 degrees down from horizontal or shielded so that the light is not visible from adjacent properties or the street right-of-way.

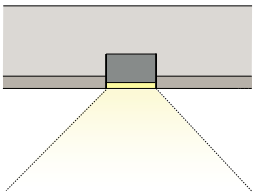



## E. Awnings and Canopies

Lighting under awnings or canopies must be less than 250 lux and be designed to prevent glare off-site. Acceptable lighting designs include the following:

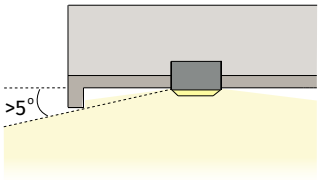
1. **Recessed**

   Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the awning or canopy.



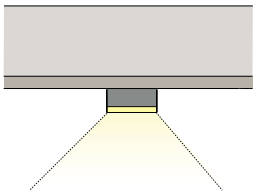
2. **Shielded**

   Light fixture incorporating shields or is shielded by the edge of the awning or canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane.



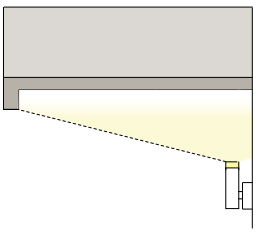

3. **Surface Mounted**

   Surface mounted fixture incorporating a fully-shielded flat glass that restricts light distribution.



4. **Indirect**

   Indirect lighting where light is beamed upward and then reflected down from the underside of the awning or canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the awning or canopy.



## F. Building Lighting

1. Lighting fixtures must be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building facade, plantings and other intended site features and away from adjoining properties and the street right-of-way.

2. All wall pack fixtures must be fully-shielded fixtures.

3. Only lighting used to accent architectural features, landscape or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky. Such lighting must not generate more than 1,600 lumens per fixture.

### G. Pedestrian Oriented Lighting

1. Required pedestrian oriented lighting must meet the following standards:
   a. A minimum average horizontal luminance of 10 lux .
   b. A uniformity ratio of 3:1.
   c. Lighting fixtures must be mounted no more than 15 feet above the walking surface.

## 4.12.4. Measurement

A. Light levels are specified, calculated and measured in lux or lumens, as used above.

B. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

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ARTICLE 5.

# ADMINISTRATION


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# DIV. 5.1. **AUTHORITY**

## 5.1.1. **Summary of Review Authority**

The following table summarizes the review and approval authority of various review bodies and officials that implement and administer this Development Code.

| APPROVAL PROCESSES | | REVIEW AND APPROVAL AUTHORITY | | | | |
|---|---|---|---|---|---|---|
| | | Administrator | Board of Architectural Review | Board of Zoning Appeals | Planning Commission | City Council |
| **Comprehensive Plan Review** | | | | | | |
| Comprehensive Plan Adoption | *Sec. 5.2.2.* | R | | | R-PH | D-PH |
| Comprehensive Plan Amendment | *Sec. 5.2.3.* | R | | | R-PH | D-PH |
| Review of Public Facilities | *Sec. 5.2.4.* | R | | | D | A |
| **Zoning Amendment** | *Sec. 5.2.5.* | | | | | |
| Zoning Text Amendment | | R | | | R-PH | D-PH |
| Zoning Map Amendment (Rezoning) | | | | | | |
| *1 to 25 parcels* | | R | | | R-PH | D-PH |
| *More than 25 parcels* | | R | | | R-PH | D-PH |
| **Historic Preservation and Design Review** | | | | | | |
| Minor Historic Review | *Sec. 5.2.6.* | D | A | | | |
| Major Historic Review | *Sec. 5.2.7.* | R | D | | | A |
| Corridor Review | *Sec. 5.2.8.* | D | | | A | A |
| **Development and Subdivision Review** | | | | | | |
| Development Review | *Sec. 5.2.9.* | D | | | A | |
| Subdivision Review | *see Sec. 6.7.3.* | | | | | |
| **Permit Review** | *Sec. 5.2.10.* | | | | | |
| Tree Removal Permit | | D | | A-PH | | |
| Floodplain Permit | | D | | A-PH | | |
| Sign Permit | | D | | A-PH | | |
| Temporary Use Permit | | D | | A-PH | | |

**KEY:** R = Review / Recommend D = Final Decision A = Appeal
-PH = Public Hearing -PM = Public Meeting

| APPROVAL PROCESSES | | REVIEW AND APPROVAL AUTHORITY | | | | |
|---|---|---|---|---|---|---|
| | | Administrator | Board of Architectural Review | Board of Zoning Appeals | Planning Commission | City Council |
| **Relief** | | | | | | |
| Administrative Modification | *Sec. 5.2.11.* | D | | A-PH | | |
| Variance | *Sec. 5.2.12.* | R | | D-PH | | |
| Floodplain Variance | *Sec. 5.2.13.* | R | | D-PH | | |
| Special Use Permit | *Sec. 5.2.14.* | R | | | R-PH | D-PH |
| Critical Slopes Special Exception | *Sec. 5.2.16.* | R | | | R-PM | D-PM |

**KEY:** R = Review / Recommend D = Final Decision A = Appeal
-PH = Public Hearing -PM = Public Meeting

## 5.1.2. City Council

### A. General

The City Council is authorized in *Code of Virginia § 15.2-2200 et seq.* and the *Code of the City of Charlottesville, Chapter 2 - Administration*, and has the following powers and duties under this Development Code.

### B. Approval Authority

The City Council is responsible for final action regarding:

1. Comprehensive Plan adoption and amendments;
2. Text amendments to this Development Code;
3. Map amendments to the official zoning map (rezoning);
4. Special Use Permits;
5. Critical Slopes Special Exceptions; and
6. Appeals regarding Review of Public Facilities and Certificates of Appropriateness under Major Historic Review.

## 5.1.3. Planning Commission

### A. General

The Planning Commission is established as authorized in *Code of Virginia § 15.2-2200 et seq.* and the *Code of the City of Charlottesville, Chapter 2 - Administration*, and has the following powers and duties under this Development Code. In addition to the following duties, the Planning Commission also serves as the Entrance Corridor Review Board.

### B. Authority

#### 1. Review Authority

The Planning Commission is responsible for review and recommendation regarding:

a. Comprehensive Plan adoption and amendments;

b. Text amendments to this Development Code;

c. Map amendments to the official zoning map (rezoning);

d. Special Use Permits; and

e. Critical Slopes Special Exceptions.

#### 2. Approval Authority

The Planning Commission is responsible for final action regarding:

a. Review of Public Facilities;

b. Preliminary Plats; and

c. Appeals regarding Development Review, Subdivision Review, and Certificates of Appropriateness subject to Corridor Review.

## 5.1.4. Board of Zoning Appeals

### A. General

The Board of Zoning Appeals is established as authorized by *Code of Virginia § 15.2-2308,* and has the following powers and duties under this Development Code.

### B. Composition

1. The Board of Zoning Appeals must consist of 5 residents of the City, appointed by the Circuit Court of the City. Their terms of office is for 5 years each, and the term of office of one member will expire each year. The secretary of the Board must notify the Circuit Court at least 30 days in advance of the expiration of any term of office, and must notify the Court promptly if any vacancy occurs. Appointments to fill vacancies on the Board is only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

2. A member whose term expires must continue to serve until their successor is appointed and qualifies. Any member of the Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by the Circuit Court, after a hearing is held after at least 15 days notice.

3. Up to 3 alternate members to the Board of Zoning Appeals may be appointed by the Circuit Court. The qualifications, terms and compensation of alternate members must be the same as those of regular members. A regular member, when they know they will be absent from a meeting, must notify the chair 24 hours prior to such meeting. The chair will select an alternate to serve in the absent member's place and the records of the Board must so note.

4. Members of the Board of Zoning Appeals cannot hold other public office in the City, except that 1 may be a member of the City Planning Commission.

### C. Rules of Procedures

1. The Board of Zoning Appeals will establish its own rules of procedure.

2. The rules of procedure must at minimum provide for selection of officers of the Board, responsibilities of Board members, order for the conduct of quasi-judicial public hearings and times for filing appeals and holding public hearings.

3. The rules, regulations, minutes, and actions of the Board must be maintained by the Administrator and are public records.

### D. Approval Authority

The Board of Zoning Appeals is responsible for final action regarding:

1. Variances;
2. Floodplain Variances;
3. Appeals regarding Tree Removal Permits, Floodplain Permits, Sign Permits, Temporary Use Permits and Administrative Modifications.

## 5.1.5. Board of Architectural Review

### A. General

The Board of Architectural Review has the following powers and duties under this Development Code.

### B. Composition

1. The Board of Architectural Review (BAR) must be composed of 9 members.
2. Appointments to the BAR will be made by City Council, in the Council's discretion, for terms of 4 years, except that appointments to fill vacancies is for the unexpired remainder of the vacant term.
3. A member cannot serve for more than 2 consecutive 4-year terms, except for the members initially appointed to fill vacancies, who may serve for 2 full terms in addition to the vacant term to which they were originally appointed.
4. All appointees must be residents of the City; except that a person who resides outside the City, but who owns a business, or who owns commercial or residential property in an ADC District, HC District, or an IPP may be appointed to serve on the BAR.
5. The BAR must at least consist of the following members:
    a. 2 licensed architects;
    b. 1 member of the Planning Commission;
    c. 2 owners of a business or commercial property in an ADC District, HC District, or an IPP;
    d. 1 owner of residential property or a resident in an ADC District, HC District, or an IPP;
    e. 1 landscape architect ~~or a licensed professional contractor~~; ~~and~~
    f. 1 historian~~s~~ or person<u>s</u> with substantial background in history or historic preservation<u>; and</u>
    g. <u>1 licensed professional contractor or 1 historian or person with substantial background in history or historic preservation.</u>

### C. Authority

#### 1. General

a. In order to administer the provisions of the Architectural Design Control Districts <u>and Individually Protected Properties</u> the Board of Architecture Review (BAR) must:

i. Recommend additional surveys of potential districts or properties, and recommend properties for inclusion in or deletion from ADC Districts or the City's list of Individually Protected Properties.

ii. Act in an advisory role to City Council and City Departments, Boards and Commissions.

iii. Disseminate information within the City on historic preservation issues and concerns.

iv. Develop a Preservation Plan with goals and recommendations for consideration by the Planning Commission, and from time to time the Board will update such plan.

v. Develop and recommend to the City Council for its approval design guidelines for the City's ADC Districts, consistent with the purposes and standards set forth in *Div. 2.9. Overlay Districts*. The BAR must develop the design guidelines after seeking input from business and property owners in the various districts. Guidelines developed by the BAR will become effective upon approval by City Council and thereafter will have the status of interpretive regulations. The BAR must undertake a comprehensive review and update the design guidelines at least once every 5 years.

b. In order to administer the provisions of the Historic Conservation Districts the BAR must:

i. Recommend surveys of potential HC Districts, and recommend properties for inclusion in, or deletion from, Historic Conservation Districts.

ii. Develop and recommend to the City Council for Council's approval design guidelines for the City's HC Districts, consistent with the purposes and standards set forth within *Div. 2.9. Overlay Districts*. The BAR must develop design guidelines after seeking input from business and property owners in the district. Design guidelines developed by the BAR will become effective upon approval by the City Council and thereafter ~~Design guidelines~~ will have the status of interpretive regulations. The BAR must undertake a comprehensive review and update the design guidelines at least once every 5 years.

2. **Approval Authority**

The Board of Architectural Review is responsible for final action regarding:

a. Certificates of Appropriateness under Major Historic Review; and

b. Appeals regarding Certificates of Appropriateness under Minor Historic Review.

## 5.1.6. Administrator

### A. General

The Administrator is established as authorized in *Code of Virginia § 15.2-2286* and has the following powers and duties under this Development Code:

1. The Administrator serves as the administrator of this Development Code unless otherwise stated.

2. The Director of Neighborhood Development Services is designated as the Administrator.

3. The Administrator may designate any other City official or staff member as their designee in any function assigned by this Development Code to the Administrator. The Administrator remains responsible for any action taken by their designee.

## B. Authority

### 1. General

The functions and duties of the Administrator under this Development Code include:

a. Administration of this Development Code and the zoning map;

b. Delegation of any act authorized by this Development Code to be carried out by the Administrator to an appropriate designee;

c. Enforcement of the provisions of this Development Code;

d. In specific cases, making findings of fact and, with the concurrence of the City attorney, conclusions of law regarding determinations of rights accruing under *Code of Virginia § 15.2-2307;*

e. Provision of expertise and technical assistance to the City Council, Planning Commission, Board of Zoning Appeals and the Board of Architectural Review;

f. Examination of premises for which permits have been issued and making necessary inspections to ensure compliance with this Development Code; and

g. Make decisions or determinations on zoning matters within the scope of their authority within 90 days of such request.

### 2. Review Authority

The Administrator is responsible for review and recommendation regarding:

a. Comprehensive Plan adoption and amendments;

b. Review of Public Facilities;

c. Text amendments to this Development Code;

d. Map amendments to the official zoning map (rezoning);

e. Certificates of Appropriateness under Major Historic Review;

f. Variances;

g. Floodplain Variances;

h. Special Use Permits; and

i. Critical Slope Special Exceptions.

### 3. Approval Authority

The Administrator is responsible for final action regarding:

a. Certificates of Appropriateness under Minor Historic Review;

b. Certificates of Appropriateness under Corridor Review;

c. Development Review;

d. Tree Removal Permits;

e. Floodplain Permits;

f. Sign Permits;

g. Temporary Use Permits; and

h. Administrative Modifications.

# DIV. 5.2. APPROVAL PROCESSES

## 5.2.1. Common Review Procedures

### A. Applicability

The following requirements are common to the procedures contained in this Development Code and apply to applications submitted under this Article and *Article 6. Subdivision*. Additional details may be included for each specific procedure.

### B. Code of Virginia Compliance

This Article is intended to comply with the provisions of *Code of Virginia § 15.2-2280 et seq.*, pertaining to zoning decisions. Where any provision of this Article is in conflict with any provision of State law, the State law controls. Where this Article fails to fully incorporate a provision required by State law, the provision of State law must be fully complied with.

### C. Application Requirements

#### 1. Application Submittal

a. All applications must be filed with Neighborhood Development Services and must be submitted on forms and in such numbers as required by the Administrator, who will route the materials to the appropriate review bodies.

b. Application forms are found on the City's website.

c. The required documents and drawings for specific applications are contained in the Development Review Administration Manual.

#### 2. Disclosure of Real Parties in Interest

An applicant for a special use permit, an amendment to this Development Code, a special exception, or a variance, must make complete disclosure of the equitable ownership (the real parties in interest) of the real estate to be affected. The applicant must provide the names and addresses of all of the real parties in interest, including, without limitation:

a. Each of the stockholders, officers and directors of a corporate entity (corporations, professional corporations, limited liability companies, professional limited liability companies, etc.). However, the requirement of listing names of stockholders will not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than 500 shareholders.

b. All petitions initiated by property owners or the agents of property owners, will be sworn to under oath before a notary public, stating:

i. Whether or not any member of the Planning Commission, or their immediate household member, has any personal interest in the property or transaction that is the subject of the application; and

ii. Whether or not any member of the City Council, or their immediate household member, has any such interest.

c. A personal interest arises when a financial benefit or liability may accrue to a member of the Planning Commission or City Council, or their immediate household member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, *Code of Virginia, § 2.2-3101*, and may refer to an interest accruing to a person individually, as a result of business or professional relationships, and "immediate household" will be interpreted consistent with the term "immediate family" in that Act.

### 3. Fee Schedule

a. The City Council will, from time to time, approve a schedule of the fees and charges associated with the various applications, petitions, inspections, permits and approvals required by this Chapter. At the time an application, petition, or other request for any permit or approval is submitted to the City, it must be accompanied by the required fees and charges as designated in the most recent fee schedule adopted by City Council.

b. The current fee schedule is available on the City's website and kept on file at the Neighborhood Development Services offices. Fees are updated and adopted by the City Council.

c. All filing fees must be paid in full for an application to be considered complete. Fees must be made payable to the City Treasurer.

d. A fee is not required if the application is made by the City, Albemarle County, or any agency created and appointed by the City Council to perform governmental functions.

e. Prior to acceptance of an application for any special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the City may require the applicant to produce satisfactory evidence that any delinquent real estate taxes owed to the locality have been paid.

### 4. Completeness Determination

a. All applications must be complete before the City is required to review the application. Once an application is received, the Administrator has 10 days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision.

b. An application is considered complete when it contains all of the information necessary to decide whether or not the application will comply with all of the applicable requirements of this Development Code.

c. The presumption is that all of the information required by the City's application forms is necessary to satisfy the requirements of this Article. However, it is recognized that each application is unique, and more or less information may be required according to the specifics of a particular project. The applicant may rely on the Administrator to determine whether more or less information must be submitted for the application to be considered complete and ready for review.

### 5. Application Deadline

Complete applications must be submitted in accordance with the City's published schedule. Schedules indicating submittal dates are developed each year and made available on the City's website and kept on file at the Neighborhood Development Services offices.

### 6. Revised Application Materials

a. All revised application materials must be submitted to Neighborhood Development Services, who will route the materials to the appropriate review bodies. No plans may be sent directly to the Planning Commission, Board of Zoning Appeals, Board of Architectural Review, Mayor, or City Council.

b. Revised application materials must be submitted to Neighborhood Development Services at least 30 days prior to a scheduled public meeting or hearing. Materials submitted within 30 days of a scheduled meeting or hearing may be accepted at the discretion of the Administrator.

c. Revised application materials can be submitted up to 3 times before a new application fee will be required for further application review. The Administrator may allow for additional revisions to be submitted without requiring a new application fee in circumstances that are beyond the control of the applicant.

### 7. Withdrawal of an Application

a. Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Administrator.

b. No portion of a required application fee will be refunded on any withdrawn application.

c. For applications requiring a public meeting or hearing, when a meeting or hearing has been advertised, the withdrawn application will be announced at the meeting or hearing.

## D. General Public Notice and Hearing Requirements

Public notice must be provided for certain processes as required by the *Code of Virginia § 15.2-2204,* and outlined in the Development Review Administration Manual.

## E. Meetings Open to the Public

All meetings of any City boards and commissions referenced in this Chapter, and of any committee, subcommittee or other entity created to perform delegated functions thereof, are open to the public as required by the Virginia Freedom of Information Act, except as otherwise specifically provided in *Code of Virginia, § 2.2-3711*.

# 5.2.2. Comprehensive Plan Adoption

## A. Applicability

Applies to the adoption of a new Comprehensive Plan.

## B. Requirements

In accordance with the requirements of *Code of Virginia § 15.2-2223 through 15.2-2232* the Planning Commission must prepare a Comprehensive Plan for the physical development of the City.

## C. Review and Decision Process

### 1. Administrative Review

The Administrator will review the Plan and will provide a staff report to Planning Commission in advance of the public hearing. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

### 2. Notice

Notice of the public hearing must be given as required by *Code of Virginia § 15.2-2204*.

### 3. Planning Commission Review

a. Prior to making any recommendation to the City Council, the Planning Commission must hold a public hearing on a proposed Comprehensive Plan.

b. The Planning Commission will make a report to the City Council recommending to approve, amend and approve, or deny the Plan.

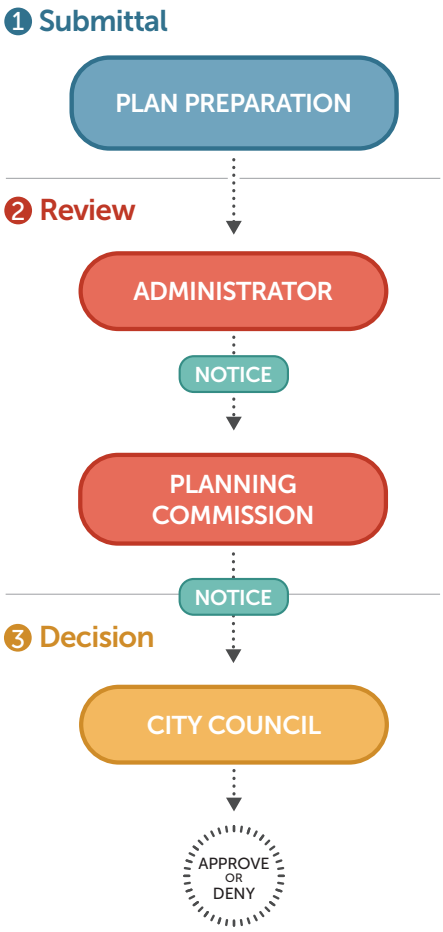
### 4. City Council Decision

a. The City Council must hold a public hearing on a proposed Comprehensive Plan. The City Council may hold a joint public hearing with the Planning Commission.

b. The City Council will either approve and adopt, amend and adopt, or deny the Plan.

c. If the Council denies the Plan, it will return it to the Planning Commission for reconsideration with its reasons for denial, see *Code of Virginia § 15.2-2227*.

# 5.2.3. Comprehensive Plan Amendment




## A. Applicability

Applies to amendments to the current Comprehensive Plan.

## B. Application Requirements

### 1. Application Initiation

At least once every 5 years the Planning Commission, must review the Comprehensive Plan to determine whether it would be advisable to amend the Plan.

## C. Review and Decision Process

Amendments to the Comprehensive Plan must be recommended, approved and adopted, respectively, in accordance with the applicable requirements set forth within *Code of Virginia § 15.2-2223 through 15.2-2232*.

### 1. Administrative Review

The Administrator will review the amendment and will provide a staff report to the Planning Commission in advance of the public hearing. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

### 2. Notice

Notice of a public hearing must be given as required by *Code of Virginia § 15.2-2204*.

### 3. Planning Commission Review

The Planning Commission will make a report to the City Council recommending that Council approve, deny, or modify the amendment.

### 4. City Council Decision

a. The City Council must hold a public hearing on the amendment. The City Council may hold a joint public hearing with the Planning Commission.

b. The City Council will either approve and adopt, amend and adopt, or deny the amendment.

# 5.2.4. Review of Public Facilities

## A. Applicability

### 1. General

Review of Public Facilities applies to the following projects:

a. The construction, establishment, or authorization of a public facility.

b. The widening, narrowing, extension, enlargement, vacation, or change of use of streets and other public areas shown on the Comprehensive Plan.

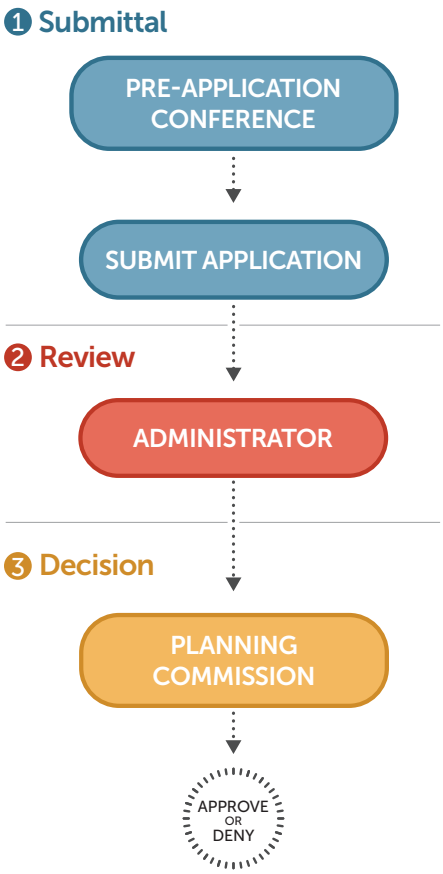
### 2. Public Uses and Facilities Definition

a. Public facilities, structures and uses include, but are not limited to: any street, connection to an existing street, park or other public land or public area, public building or public structure, and any public utility facility or public service corporation facility, whether publicly or privately owned. The term does not include any office facility of any of the foregoing.

b. Public facilities, structures and uses do not include the following: railroad facility or an underground natural gas or underground electric distribution facility of a public utility within its certificated service territory, whether publicly or privately owned.

### 3. Exemptions

a. Paving, repair, reconstruction, improvement, drainage or similar work, and normal service extensions of public utilities or public service corporations, does not require review and approval pursuant to this Section unless involving a change in the location or extent of a street or public area.



b. Any public facility that is identified within, but not the entire subject of, a submission for approval of a Subdivision Review or Development Review, may be deemed a feature already shown on the adopted comprehensive plan, and therefore, excepted from the requirement for submittal to and approval by the Planning Commission, provided that the City Council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public facility or has approved it through acceptance of a proffer approved in connection with a rezoning application.

c. Approval and funding of a public telecommunications facility by the Virginia Public Broadcasting Board are deemed to satisfy the requirements of this Section, with the exception of television and radio towers and structures not necessary to house electronic apparatus. This exemption does not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990.

4. In the event of any conflict between the provisions set forth within this Section and those within *Code of Virginia, § 15.2-2232*, the state code provisions will prevail.

## B. Application Requirements

### 1. Pre-Application Conference

Before submitting an application for Review of Public Facilities, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

### 2. Application Submittal

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

## C. Review and Decision Process

### 1. Administrative Review

The Administrator will review the application and will provide a staff report to Planning Commission. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

### 2. Planning Commission Decision

Planning Commission will approve, approve with conditions, or deny the application.

## D. Criteria for Review and Decision

General or approximate location, character and extent of public facilities must be approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan.

## E. Action After the Decision

### 1. City Council Decision

The Planning Commission will communicate its findings to the City Council, indicating its approval or denial with written reasons. City Council may overrule the action of the Planning Commission by a majority vote of its membership.

### 2. Appeal of Planning Commission Decision

a. The owner or their agent may appeal the decision of the Planning Commission to the City Council within 10 days after the Commission's final decision. The appeal must be by written petition to the City Council, and set forth the specific reasons for the appeal.

b. On appeal, the City Council will hear and make a final determination upon the application within 60 days of the date on which the appeal was filed with the Clerk of Council.

# 5.2.5. Zoning Amendment

## A. Applicability

1. Zoning Amendment is required for the following:

   a. **Zoning Text Amendment.** Applies to a request to amend the text of this Development Code.

   b. **Zoning Map Amendment (Rezoning).** Applies to a request to amend the zoning map from one zoning district to another, or to change the boundaries of an existing zoning district, including overlay districts.

## B. Application Requirements

### 1. Application Initiation

a. A Zoning Text Amendment may be initiated by the City Council or Planning Commission.

b. A Zoning Map Amendment may be initiated by:

   i. The City Council;

   ii. The Planning Commission; or

   iii. Any person who is the owner, owner's agent, or contract purchaser of property with the owner's written consent, where such amendment proposes a change of the zoning district classification of such property.

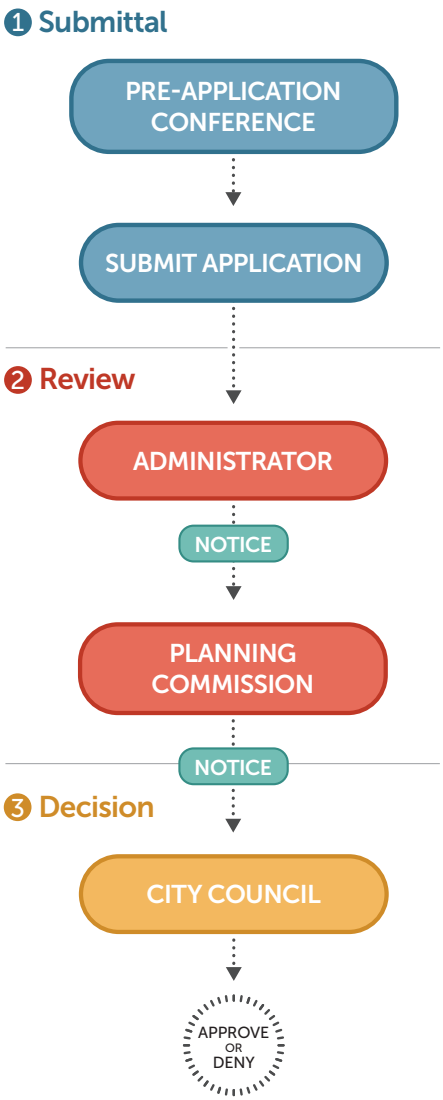
### 2. Zoning Map Amendment

a. **Pre-Application Conference**

Before submitting an application for a Zoning Map Amendment, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

b. **Application Submittal**

Following the pre-application conference, an applicant may start the application process. To begin, a completed application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.



### 3. Additional Requirements for Conditional Zoning

a. Preliminary proffers may be submitted as part of the original Zoning Map Amendment application, or may be submitted, as a modification of an existing Zoning Map Amendment application, no fewer than 21 days prior to the scheduled public hearing.

## C. Review and Decision Process

### 1. Administrative Review

a. The Administrator will review the amendment and will provide a staff report and recommendation to Planning Commission in advance of the public hearing. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

b. When the property is within an ADC District, HC District, or an Individually Protected Property, the Administrator will refer the application to the BAR for review as to whether the proposed application will have an adverse impact on the district, and for recommendation as to reasonable conditions which, if imposed, would mitigate any such impacts. The BAR may submit a written report of its findings in support of its recommendation to the Planning Commission and City Council.

### 2. Notice

Notice of the public hearing must be given in accordance with *Code of Virginia § 15.2-2204*.

### 3. Planning Commission Review

a. **General**

Prior to making any recommendation to the City Council, the Planning Commission must advertise and hold at least one public hearing on a proposed amendment. The Planning Commission may hold a joint public hearing with the City Council.

b. **Review for Conditional Zoning**

i. Where proffers are made for the first time at the public hearing, or are substantially modified at the hearing, the application will be continued by the Planning Commission to allow for review by Administrator, and to allow an opportunity for public comment on the new components of the application.

ii. If the Planning Commission takes final action on a Zoning Map Amendment application that includes proffered conditions, then the applicant must compile all proffers, as acted upon by the Planning Commission, into a final written proffer statement. The final proffer statement must be submitted to the Administrator within 7 days following the Planning Commission meeting. The Administrator will transmit the final proffer statement to City Council for consideration along with the Zoning Map Amendment application.

iii. During a joint public hearing of the Planning Commission with City Council, preliminary proffers may be modified by an applicant if they do not materially affect the overall proposal.

### 4. City Council Decision

#### a. General

i. Before enacting any proposed amendment to this Development Code, the City Council must advertise and hold at least one public hearing. The City Council may hold a joint public hearing with the Planning Commission.

ii. Council may make appropriate changes or corrections in the proposed amendment as a result of the public hearing; provided, however, that no land may be rezoned to a more intensive use classification than was identified in the public notice of the public hearing without an additional public hearing conducted after notice as required by law. Where substantial changes have been made to a Zoning Map Amendment application following a public hearing, the City Council may hold an additional public hearing or refer the application back to the Planning Commission.

iii. The City Council will either approve and adopt, amend and adopt, or deny the amendment.

#### b. Decision for Conditional Zoning

An applicant may seek to add to, expand, clarify or otherwise modify the proffers acted upon by the Planning Commission prior to the meeting at which the City Council will consider the Zoning Map Amendment application of which the proffers are a part. In the event any such modification is proposed, the applicant will prepare the final proffer statement required by this Section, as well as a cover sheet listing the proposed modifications. If a modification is proposed, Council will take one of the following actions:

i. Council may decline to consider the modifications, and may proceed to consider the Zoning Map Amendment application and final proffer statement, as acted upon by the Planning Commission;

ii. Council may continue the application to a subsequent meeting date, in which case Council will conduct an additional public hearing on the application including the final proffer statement and all proposed modifications, following advertisement and notice as required by law; or

iii. Council may refer the modified application to the Planning Commission for review and recommendation, upon an additional public hearing of the modification, including the final proffer statement and all proposed modifications, following advertisement and notice as required by law. Council will re-refer the modified application to the Planning Commission if the proposed modification is to delete any substantive provision from any proffer that was reviewed and acted upon by the Planning Commission.

## D. Criteria for Review and Decision

The Planning Commission will review and study each proposed amendment to determine:

1. Whether the proposed amendment conforms to the general guidelines and policies contained in the Comprehensive Plan;

2. Whether the proposed amendment will further the purposes of this Chapter and public necessity, convenience, general welfare, and good zoning practice require such amendment;

3. Whether there is a need and justification for the change;

4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the Planning Commission must consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification; and

5. Such other considerations as permitted by law.

## E. Action After the Decision

### 1. New Applications

Once an application seeking an amendment of the official zoning map has been advertised for a public hearing, the City Council cannot consider another application which is substantially the same as that advertised for a period of one year from the date the advertised application was accepted by the Administrator.

### 2. Action After Approval for Conditional Zoning

a. Once adopted as part of a zoning map amendment, proffered conditions become a part of the zoning regulations applicable to the property and continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions; however, the conditions continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning code. Upon adoption, the existence of proffered conditions must be noted by an appropriate symbol on the City's zoning district map.

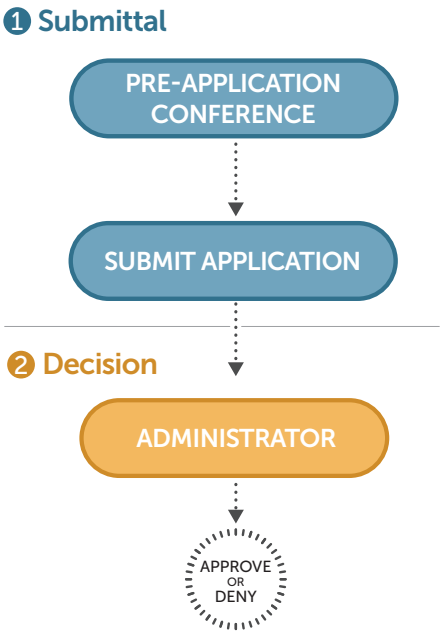
b. So long as any proffered conditions remain in effect a City official or agency cannot approve any Subdivision Final Plat or Site Plan, unless such plat or plan substantially conforms with all proffered conditions applicable to property which is the subject of the plat or plan.

c. The Administrator must keep and make available for public inspection a conditional zoning index. The index must provide ready access to the ordinance adopting the proffered conditions.

d. Any application initiated by an owner, contract purchaser with the owner's consent, or owner's agent seeking to amend conditions that were voluntarily proffered and accepted by the City Council must be advertised and reviewed by the process set forth above for a new application.

e. This Section cannot be construed to affect or impair the authority of City Council to accept proffered conditions which include provisions for timing or phasing of dedications, payments, or improvements or accept or impose valid conditions permitted under the *Code of Virginia § 15.2-2303.*

# 5.2.6. Minor Historic Review




## A. Applicability

Minor Historic Review is required to receive a Certificate of Appropriateness for the following project activities on any property located in an Architectural Design Control (ADC) District or Historic Conservation (HC) District, and for any Individually Protected Property (IPP):

### 1. General

The Administrator may approve Certificates of Appropriateness through Minor Historic Review for the following:

a. Applications that have previously been reviewed by the Board of Architectural Review (BAR), if the BAR has authorized final review by the Administrator.

b. Applications for new construction of accessory buildings or additions or alterations to primary structures determined to be minor structures or alterations by the BAR.

c. Applications for site modifications visible from a street.

### 2. Architectural Design Control District and Individually Protected Property

In an ADC District and for an IPP, Minor Historic Review for a Certificate of Appropriateness is required for the following exterior modifications:

a. Exterior alterations which are shown, through adequate documentation, to have been approved for a tax credit under either the federal rehabilitation tax credit program or the similar Virginia state tax credit program;

b. The repainting of an existing building or structure in a different color;

c. The addition or deletion of awnings, canopies, storm windows, storm doors, gutters, and similar appurtenances;

d. The addition, alteration, or removal of any sign where such sign is the sole subject of the application, or where all other improvements comprising part of the application are subject to review under this Section; and

e. Structural changes to a building or structure which do not require issuance of a building permit under the Uniform Statewide Building Code except for the following, which must be reviewed by the BAR: replacement, if not in-kind, of roof coverings and installation or replacement, if not in-kind, of siding on any buildings or structures, and replacement of windows and doors on any buildings or structures.

f. Applications for signs that require a permit, but are not associated with a new construction project.

3. **Historic Conservation District**

a. Applications for all new fences and walls that abut a street, or which are located in a side yard between a street and the front of the principal structure on a lot.

b. Applications for signs that require a permit.

## B. Application Requirements

### 1. Application Initiation

An application for Minor Historic Review may be initiated by a property owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person.

### 2. Pre-Application Conference

a. Before submitting an application for Minor Historic Review, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

b. At the pre-application conference, the Administrator will determine if the application qualifies as a Minor Historic Review. If the Administrator determines the application requires Major Historic Review, the application will be processed according to the procedures in *5.2.7. Major Historic Review*.

### 3. Application Submittal

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

## C. Review and Decision Process

### 1. Administrative Decision

a. The Administrator is authorized to approve requests for a Certificate of Appropriateness.

b. In reviewing an application for a Certificate of Appropriateness, the Administrator is deemed the agent of the BAR and must apply the same criteria and design guidelines that the BAR must use in its review process.

c. When buildings or structures on a property are located in a floodplain, additional review may be required. See *2.9.1. Flood Hazard Protection District (-FHP)*.

d. Upon approval of an application, the Administrator will issue the approved certificate. If the application is denied, the Administrator will mail or hand-deliver written notice of this decision to the applicant, including the specific reasons for the denial, with reference to specific ordinances, laws or regulations.

e. The Administrator will inform the BAR of their administrative decisions at the next regular meeting following the date of such decision.

## D. Action After the Decision

### 1. Appeal of Decision

a. Following a decision of the Administrator upon an application, the applicant, or any other aggrieved party, will have 10 business days from the date of the decision to appeal that decision to the BAR.

b. In considering an appeal of a decision of the Administrator, the BAR will review the application as if the application had come before it in the first instance. In an appeal the BAR must consider the criteria for review and decision set forth in *5.2.7. Major Historic Review*.

c. Appeals of administrative decisions must follow the procedures in *5.2.7. Major Historic Review*.

# 5.2.7. Major Historic Review

## A. Applicability

Major Historic Review is required to receive a Certificate of Appropriateness for the following project activities on any property located in an Architectural Design Control (ADC) District or Historic Conservation (HC) District, and for any Individually Protected Property (IPP):

### 1. Architectural Design Control District and Individually Protected Property

In an ADC District and for an IPP, Major Historic Review for a Certificate of Appropriateness is required for the following exterior activities:

a. Construction, reconstruction, alteration, or restoration of a building or structure.

b. A vendor stand located or operated within a ADC.

c. Relocation, removal, encapsulation, or demolition in whole or in part of a contributing structure in an ADC District or an IPP.

d. ~~Applications for signs that require a permit, associated with a new construction project.~~

e. Any replacement of windows and doors and any not in-kind replacement or installation of roof coverings or siding on any building or structure.

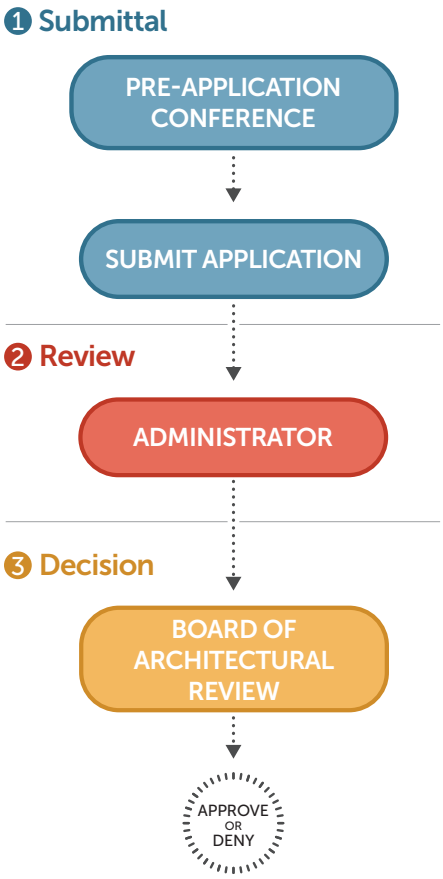
### 2. Historic Conservation District

In a HC District, Major Historic Review for a Certificate of Appropriateness is required for the following exterior activities:

a. Construction~~, erection, alteration, or demolition~~ of ~~certain~~ buildings, structures, or improvements~~, of new buildings and structures~~ that require a building permit, and are visible from any abutting street. Hidden from view by vegetation or a fence is considered visible from the street for the purposes of this Section.

b. Additions or alterations to existing buildings or structures that are:

i. Wholly or partially to the side or front of the principal structure on a lot;



ii. Located on a lot that abuts a street on the side or rear;

iii. Equal to or greater than 50 percent of the total gross floor area of the existing building; or

iv. Located to the rear and exceed the height or width of the existing building or structure.

c. Demolition, razing or moving of any building or structure when:

i. The building is a contributing structure; and

ii. The demolition is located in whole or in part to the front or side of the contributing structure; or

iii. The demolition is located on a lot that abuts a street on the side or rear; or

iv. The demolition is equal to or greater than 33 percent of the total gross floor area of the existing building.

d. The painting of previously unpainted brick or other masonry.

### 3. No Certificate of Appropriateness Required

The following activities do not require a Certificate of Appropriateness:

a. Interior features, details, alterations and improvements;

b. Ordinary maintenance or repair of exterior elements or features;

c. Painting or repainting a material other than unpainted brick or other masonry.

d. Construction, reconstruction, alteration, repair, or other improvements to a building or structure made pursuant to an order of correction issued by the City Building Code Official, upon a determination that a building or structure is an "unsafe structure," as that term is defined by the State Building Code and Code of Virginia. In the event any such order or determination is issued with respect to a building or structure subject to BAR review, the Administrator will notify the BAR of any alterations or repairs ordered by the Building Code Official.

e. The demolition, razing or removing, in whole or in part, of any contributing structure allowed pursuant to an order of the City Building Code Official, upon a determination that a building or structure is in such dangerous, hazardous, or unsafe condition that it could reasonably be expected to cause death or serious injury before review under the provisions of this Section. Upon such a determination, the Building Code Official will deliver a copy of the order to the Administrator and to the chairperson of the BAR.

## B. Application Requirements

### 1. Application Initiation

An application for Major Historic Review may be initiated by a property owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person.

### 2. Pre-Application Conference

a. Before submitting an application for a Certificate of Appropriateness, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

b. The applicant may request that the pre-application conference include the full Board of Architectural Review (BAR), or the chair of the BAR.

c. A pre-application conference with the entire BAR is mandatory for the following project activities:

i. Development by the City of Charlottesville, or on land owned by the City;

ii. Development on property owned by the City that is being sold for private development;

iii. Development being financed in whole or in part by the City, or by a related governmental authority;

iv. Development having a projected construction cost of $350,000.00 or more; or

v. Any other development deemed significant by the Administrator or the chair of the BAR, due to its size, location or potential impact on surrounding properties.

### 3. Application Submittal

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

## C. Review and Decision Process

### 1. Administrative Review

a. The Administrator will review the Certificate of Appropriateness application and will provide a staff report and recommendation to BAR in advance of the public meeting. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

b. When buildings or structures on a property are located in a floodplain, additional review may be required. See *2.9.1. Flood Hazard Protection District (-FHP)*.

### 2. Board of Architectural Review Decision

a. In considering a particular application the BAR will approve the application unless it finds:

i. That the proposal does not meet specific standards set forth within this Section or applicable provisions of the City's design guidelines; and

ii. The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the IPP that is the subject of the application.

b. The BAR will approve, approve with conditions, or deny applications for Certificates of Appropriateness in accordance with the provisions of this Section.

c. The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition is compatible with the scale and character of the Architecture Design Control District, Individually Protected Property, or Historic Conservation District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines.

~~d. **Architectural Design Control District and Individually Protected Property**~~

~~The BAR, or City Council on appeal, may make such requirements for, and conditions of approval as are necessary or desirable to protect the safety of adjacent buildings, structures, or properties, and of any persons present thereon; and, in the case of a partial removal, encapsulation or demolition:~~

~~i. To protect the structural integrity of the portions of a building or structure which are to remain following the activity that is the subject of a building permit, or~~

~~ii. To protect historic or architecturally significant features on the portions of a building or structure which are to remain following the activity that is the subject of a building permit.~~

~~e. **Historic Conservation District**~~

~~The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition would be compatible with the scale and character of the Historic Conservation District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions.~~

d. **Demolition**

The BAR, or City Council on appeal, may make such requirements for, and conditions of approval as are necessary or desirable to protect the safety of adjacent buildings, structures, or properties, and of any persons thereon; and, in case of a partial removal, encapsulation or demolition:

i. To protect the structural integrity of the portions of a building or structure which are to remain following the activity that is the subject of a building permit; or

ii. To protect historic or architecturally significant features on the portions of a building or structure which are to remain following the activity that is the subject of a building permit.

## D. Criteria for Review and Decision

### 1. Architectural Design Control District and Individually Protected Property

a. Review of the proposed construction, reconstruction, alteration or restoration of a building or structure is limited to exterior architectural features, including signs, and the following features and factors:

i. Whether the material, texture, color, height, scale, mass, and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable District;

ii. The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs, and signs;

iii. The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (*36 C.F.R. §67.7(b)*), as may be relevant;

iv. The effect of the proposed change on the adjacent building or structures;

v. The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls, and walks;

vi. Whether the proposed method of construction, renovation, or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;

vii. When reviewing any proposed sign as part of an application under consideration, the standards set forth within *Div. 4.11. Signs* will be applied; and

viii. Any applicable provisions of the City's design guidelines.

b. Review is limited to following factors in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure or IPP:

i. The historic, architectural, or cultural significance, if any, of the specific structure or property, including, without limitation:

a) The age of the structure or property;

b) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;

c) Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;

d) Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the City of a particular architectural style or feature;

e) Whether the building or structure is of such old or distinctive design, texture, or material that it could not be reproduced, or could be reproduced only with great difficulty; and

f) The degree to which distinguishing characteristics, qualities, features, or materials remain;

ii. Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing applicable District, or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures.

iii. The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant, or other information provided to the BAR;

iv. Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing, or demolishing the structure or property that preserves portions, features, or materials that are significant to the property's historic, architectural, or cultural value; and

v. Any applicable provisions of the City's design guidelines.

2. **Historic Conservation District**

Review of the proposed construction, reconstruction, alteration, or restoration of a building or structure is limited to the exterior architectural features, including signs, and the following features and factors:

a. Whether the form, height, scale, mass, and placement of the proposed construction are visually and architecturally compatible with the site and the applicable conservation district;

b. The harmony of the proposed changes in terms of overall proportion and the size and placement of entrances and windows;

c. The impact of the proposed changes on the essential architectural form and integrity of the existing building;

d. The effect of the proposed change on the adjacent building or structures; and

e. Any applicable provisions of the City's design guidelines.

## E. Action After Decision

### 1. Appeal of Decision

a. Following approval of an application by the BAR, the Administrator or any aggrieved person, may note an appeal of the BAR decision to the City Council, by filing a written notice of appeal within 10 business days of the date of the decision. If no such appeal is noted, then, upon the expiration of the 10-day appeal period, the Administrator will issue the approved Certificate of Appropriateness.

b. If an application is denied or the applicant objects to the conditions of approval, the applicant will be provided written notice of the decision, including any conditions of approval. Following a denial or approval with conditions, the applicant, the Administrator, or any aggrieved person may appeal the decision to the City Council, by filing a written notice of appeal within 10 business days of the date of the decision.

c. An applicant must set forth, in writing, the grounds for an appeal, including the procedures or standards alleged to have been violated or misapplied by the BAR, and any additional information, factors or opinions they deems relevant to the application. The applicant, or their agent, and any aggrieved person, will be given an opportunity to be heard by the City Council on the appeal.

d. In any appeal the City Council will consult with the BAR and consider the written appeal, the criteria set forth within this Section, as applicable, and any other information, factors, or opinions it deems relevant to the application.

e. A final decision of the City Council may be appealed by the owner of the subject property to the Circuit Court for the City of Charlottesville, by filing with the court a petition at law, setting forth the alleged illegality of the action taken. Such petition must be filed with the circuit court within 30 days after Council's final decision. The filing of the petition will stay the Council's decision pending the outcome of the appeal; except that the filing of the petition will not stay a decision of City Council denying permission to demolish a building or structure. Any appeal which may be taken to the Circuit Court from a decision of the City Council to deny a permit for the demolition of a building or structure will not affect the right of the property owner to make the bona fide offer to sell.

f. In addition to the right of appeal set forth above, the owner of a building or structure, the demolition of which has been the subject of an application appealed to the City Council, will, as a matter of right, be entitled to demolish such building or structure if all of the following conditions have been met:

    i. The owner has appealed to City Council for permission to demolish the building or structure, and City Council has denied such permission;

    ii. The owner has, for the applicable sale period set forth herein below, and at a price reasonably related to the fair market value of the subject property, made a bona fide offer to sell the building or structure, and the land pertaining thereto, to a person or legal entity that gives reasonable assurance that the building or structure will be preserved and restored; and

    iii. No bona fide contract, binding upon all parties thereto, must have been executed for the sale of such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable sale period.

    iv. If all of the foregoing conditions are not met within the applicable sale period, then the City Council's decision denying a permit will stand, unless and until that decision is overturned by the Circuit Court. However, following expiration of the applicable sale period, a property owner may renew their request to the City Council to approve the demolition of the historic landmark, building or structure.

g. The time in which a property owner may take advantage of the right to appeal, the applicable "sale period" is as follows:

    i. 3 months, when the offering price is less than $25,000.00.

    ii. 4 months when the offering price is equal to or greater than $25,000.00 but less than $40,000.00.

    iii. 5 months when the offering price is equal to or is greater than $40,000.00 but less than $55,000.00.

    iv. 6 months when the offering price is equal to or greater than $55,000.00 but less than $75,000.00.

v. 7 months when the offering price is equal to or is greater than $75,000.00 but less than $90,000.00.

vi. 12 months when the offering price is equal to or greater than $90,000.00.

2. **Validity Period**

a. The validity period of a Certificate of Appropriateness is as follows:

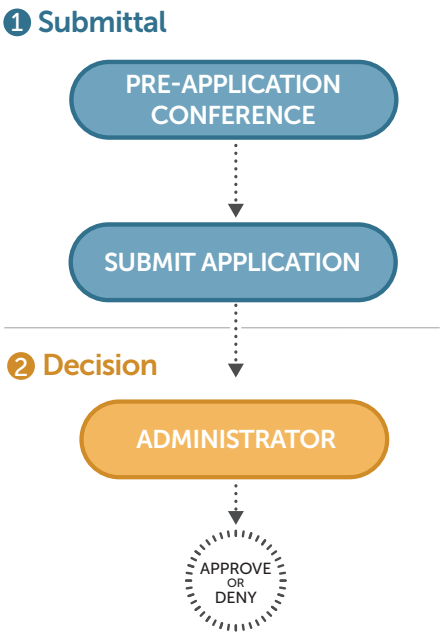
i. A Certificate of Appropriateness associated with a project for which a valid Site Plan or Final Plat is not required will expire and become void 18 months from the date of approval by the BAR or, date of approval by Council, if approved on appeal, unless a building permit to construct the authorized improvements or activities has been issued; or, if no building permit is required, unless construction of the authorized improvements or activities has substantially commenced.

ii. The validity period of a Certificate of Appropriateness associated with a project for which a valid Site Plan or Final Plat is required must be consistent with that of the approved Site Plan or Final Plat according to *5.2.9. Development Review* or *Div. 6.7. Administration*, except a Certificate of Appropriateness will expire and become void 18 months from the date of approval by the BAR if Site Plan or Final Plat approval has not been granted, or upon revocation or expiration of an approved Site Plan or Final Plat.

iii. Prior to the expiration of a Certificate of Appropriateness, upon written request and for reasonable cause, the Administrator or the BAR may extend the validity of any such certificate for a period not to exceed one year.

b. The issuance of a Certificate of Appropriateness cannot, in and of itself, authorize any construction, reconstruction, alteration, repair, demolition, or other improvements or activities requiring a building permit. Where a building permit is required, no activity authorized by a Certificate of Appropriateness is lawful unless conducted in accordance with the required building permit and all applicable building code requirements.

# 5.2.8. Corridor Review




## A. Applicability

A Corridor Review for a Certificate of Appropriateness is required for the following project activities n on any property located in the Entrance Corridor District:

1. A Certificate of Appropriateness is required for the following modifications, when the modifications are visible from an Entrance Corridor Street:
    a. All projects requiring a Site Plan, except residential projects with 2 dwelling units or less per lot.
    b. All improvements requiring a building permit, except projects with up to 2 dwelling units, in which the work requiring the building permit is:
        i. New construction; or
        ii. An addition or modification of 25% or more of the gross area of an existing building or structure.
    c. Regardless of whether a building permit is required:
        i. Site modifications;
        ii. Signs; and
        iii. Installations or replacements of roof coverings, windows, doors or siding on any building or structure, , other than those installed on projects with up to 2 dwelling units.
2. A Certificate of Appropriateness is not required for the following activities:
    a. Interior alterations to a building or structure;
    b. Construction of ramps and other modifications to serve the handicapped;
    c. Repair and maintenance of buildings or structures which are non-conforming for failure to comply with the provisions of *2.9.5. Entrance Corridors (-EC)*;
    d. General maintenance of buildings or structures, where no substantial change in design or materials is proposed, including in-kind replacement of building components or materials; and

e. Additions or modifications to a building or structure, where no substantial change in design or materials is proposed, as determined by the Administrator.

## B. Application Requirements

### 1. Pre-Application Conference

Before submitting an application for Corridor Review, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

### 2. Application Submittal

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

## C. Review and Decision Process

### 1. Administrative Decision

a. The Administrator is authorized to approve requests for a Certificate of Appropriateness for a Corridor Review.

b. Once the Administrator determines the application is complete, the Administrator will notify the Planning Commission of the application and review the application against the requirements of this Development Code and other applicable design guidelines of the City.

c. The Administrator must review each application and approve, approve with conditions, or deny the application based on the standards as defined in this Development Code and any applicable design guidelines.

### 2. Entrance Corridor Review Board Decision

a. The Entrance Corridor Review Board will ~~to~~ decide on a Certificate of Appropriateness for a Corridor Review when:

i. The Administrator refers the application to the Entrance Corridor Review Board for review;

ii. Two or more members of the Entrance Corridor Review Board request to review the application; or

iii. The application is the subject of an appeal from a decision by the Administrator, as allowed by this Section.

b. When Entrance Corridor Review Board decides on a Certificate of Appropriateness, the Administrator will review the application and will provide a staff report and recommendation to Entrance Corridor Review Board in advance of the meeting. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

## D. Criteria for Review and Decision

Corridor Review will consider the following features and factors in determining the appropriateness of proposed construction, reconstruction, alteration, or restoration of buildings or structures pursuant to this Development Code:

1. Overall architectural design, form, and style of the subject building or structure;
2. Exterior architectural details and features of the subject building or structure;
3. Texture, materials, and color of materials proposed for use on the subject building or structure;
4. Design and arrangement of building and structures on the subject site, as long as the requirements of the underlying zoning district are met;
5. The extent to which the features and characteristics, are architecturally compatible or incompatible with similar features and characteristics of other buildings and structures having frontage on the same Entrance Corridor Streets as the subject property; and
6. Provisions of the Entrance Corridor District design guidelines.

## E. Action After the Decision

### 1. Notice of Decision

If the application is denied, the Administrator will provide notice of their decision to the applicant.

### 2. Appeal

#### a. Appeal of Administrative Decision

For applications decided by the Administrator, the applicant or any other aggrieved party will have 10 business days from the date of the decision to appeal the decision to the Entrance Corridor Review Board. No Certificate of Appropriateness will be issued prior to expiration of the 10-day period.

#### b. Appeal of Entrance Corridor Review Board Decision

For applications decided by the Entrance Corridor Review Board, the applicant or any other aggrieved party will have 10 business days from the date of the decision to appeal the decision to the City Council. No Certificate of Appropriateness will be issued prior to expiration of the 10-day period.

# 5.2.9. Development Review

## A. Applicability

1. Development Review applies to any of the following project activities:
   a. New construction;
   b. Addition;
   c. Site modification; and
   d. Some changes of use.
2. Development Review is not required for a change of use provided that:
   a. No additional site access, or alteration of existing site access is recommended by the City, based on intensification of use; and
   b. No additional site access, or alteration of existing site access is proposed.
3. Projects not requiring Development Review may require a Building Permit.

## B. Application Requirements

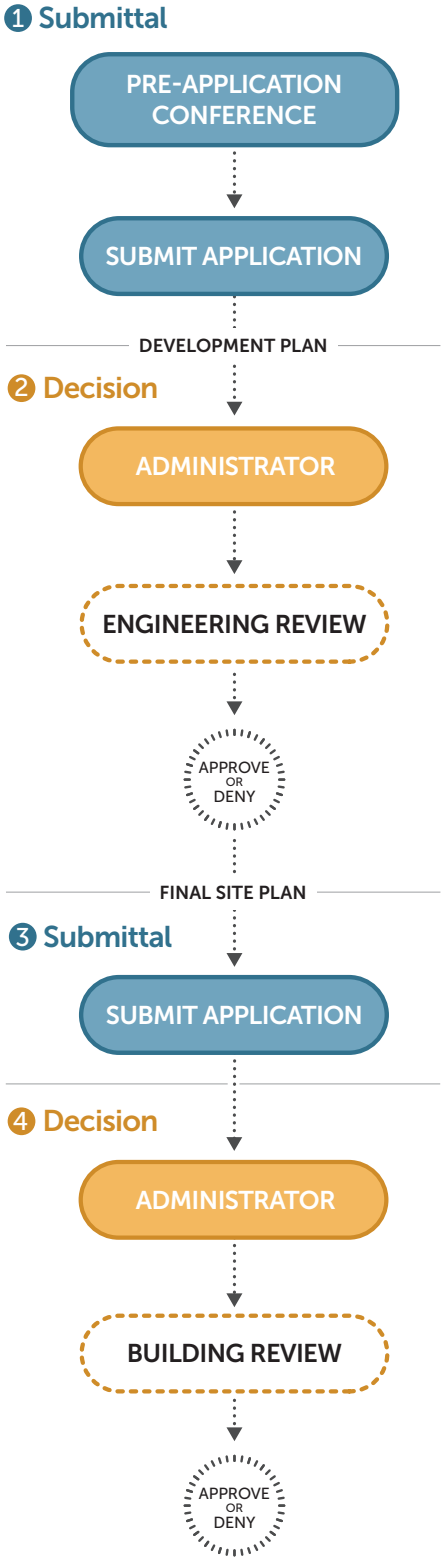
### 1. Pre-Application Conference

Before submitting a Development Review application, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

### 2. Application Submittal

a. The required documents and drawings for Development Review are contained in the Development Review Administration Manual.

b. Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.



## C. General Development Review Process

1. Development Review consists of two separate approvals, a Development Plan and Final Site Plan. A Development Plan and Final Site Plan are required for all projects that require Development Review.

2. Development Plans and Final Site Plans may be reviewed simultaneously or may be phased. An applicant may choose to apply for Development Plan approval and engineering approval, and then apply for Final Site Plan approval and building approval in order to start building construction. Development Plan and Final Site Plan reviews include the requirements of this Development Code, and engineering and building reviews include requirements of separate Chapters of the City of Charlottesville Code and the Standards and Design Manual.

3. Anything regulated by this Development Code will be reviewed for compliance by the Administrator, with additional review by other City Departments.

## D. Development Plan Review

### 1. Review and Decision Process

#### a. Administrator Decision

i. Once the Administrator determines the application is complete, the Administrator will notify the Planning Commission of the application and review the application against the requirements of this Development Code and other applicable technical requirements of the City.

ii. In reviewing the application, the Administrator will distribute the application for consultation and review by other City Departments.

iii. When the property is within an ADC District, HC District, or an Individually Protected Property, a Certificate of Appropriateness may also be required. See *5.2.7. Major Historic Review* and *5.2.7. Major Historic Review*.

iv. If, after the internal review, the Administrator finds that the application does not meet all requirements of this Development Code, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to amend the Development Plan.

v. Following review, the Administrator will approve, approve with conditions that bring the application into conformance with this Development Code and other technical requirements of the City, or deny the application.

#### b. Planning Commission Decision

i. The Planning Commission will take action on a Development Plan when:

a) The Administrator refers the application to the Planning Commission for review;

b) Two or more members of the Planning Commission request to review the application; or

c) The application is the subject of an appeal from a decision by the Administrator, as allowed by this Section.

ii. When the Planning Commission takes action on a Development Plan, the Administrator will review the application and provide a staff report and recommendation to the Planning Commission in advance of the meeting. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

### 2. Action After Decision

#### a. Appeal of Administrative Decision

i. The applicant may appeal the failure of the Administrator or Planning Commission to either approve or deny the application to the Circuit Court in accordance with the *Code of Virginia § 15.2-2259*.

ii. The applicant may appeal the denial of the application by the Administrator or Planning Commission to the Board of Zoning Appeals within 30 days after the denial in accordance with the *Code of Virginia § 15.2-2309*.

#### b. Expiration of a Development Plan

Once a Development Plan is approved, it is valid for a period of 5 years, as specified in the *Code of Virginia § 15.2-2260.*

## E. Engineering Review

### 1. Review and Decision Process

a. Upon approval of a Development Plan, applications for review and approval of infrastructure permits required by separate Chapters of the City of Charlottesville Code and the Standards and Design Manual may be prepared and submitted.

b. The Administrator will not sign any Final Site Plan, unless and until final plans and approvals required by the City Code of Ordinances Chapter 10, Water Protection have been obtained.

## F. Final Site Plan Review

### 1. Review and Decision Process

#### a. Administrator Decision

i. The Administrator will review the Final Site Plan for compliance with the requirements of this Development Code in effect at the time of Development Plan approval, except as authorized by *Code of Virginia § 15.2-2261.* The Administrator must make a good faith effort to identify all deficiencies, if any, during the review of the initial Final Site Plan submittal. The Administrator must consider the recommendations and determinations made by the plan reviewers.

ii. If the Administrator determines that the Final Site Plan complies with the requirements of this Development Code and that all conditions of approval of the Development Plan have been satisfied, the Administrator will sign the Final Site Plan.

iii. If the Administrator determines that the Final Site Plan does not comply with all requirements of this Development Code or that all conditions of approval of the Development Plan have not been satisfied, the Final Site Plan will be denied and the Administrator will promptly inform the project developer of the denial by issuing a notice of denial to the project developer.

## 2. Action After Decision

### a. Permits for Construction

Upon approval of a Final Site Plan, any applicable permits for construction required by the City Code of Ordinances Chapter 5, Building Regulations; Property Maintenance may be prepared and submitted.

### b. Appeal of Administrative Decision

i. The applicant may appeal the failure of the Administrator to either approve or deny the application to the Circuit Court in accordance with the *Code of Virginia § 15.2-2259*.

ii. The applicant may appeal the denial of the application by the Administrator to the Board of Zoning Appeals within 30 days after the denial in accordance with the *Code of Virginia § 15.2-2309*.

### c. Revisions to an Approved Development Plan or Final Site Plan

i. Minor revisions to an approved Development Plan or Final Site Plan may be approved by the Administrator. The following revisions are considered minor:

a) Up to 10% increase in the gross floor area of a single building;

b) Any decrease in gross floor area of a single building;

c) Up to 10% reduction in the approved setbacks from street or common lot lines; and

d) Relocation of parking areas, internal driveways or structures where relocation occurs more than 100 feet from street or common lot lines.

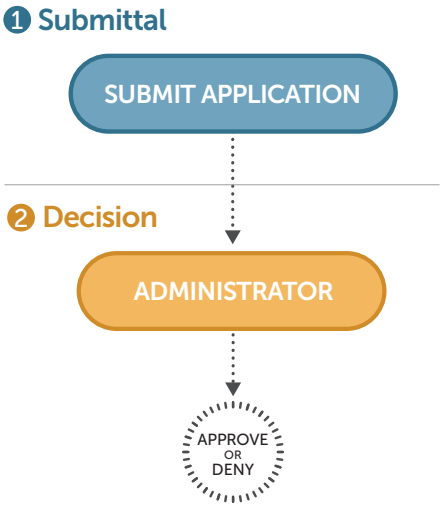
ii. All other changes to an approved Development Plan or Final Site Plan must be resubmitted as a new application.

## 3. Expiration of Final Site Plan

a. An approved Final Site Plan will be valid for 5 years from the date of approval, or for a longer period determined by the Administrator at the time of approval, taking into consideration the size and phasing of the proposed project. A Final Site Plan will be deemed final once it has been reviewed and approved, where the only requirement remaining to be satisfied in order to obtain a building permit is the posting of required bonds and escrows.

b. Upon application filed prior to expiration of a Final Site Plan, the Administrator, may grant an extension of such approval, taking into consideration the size and phasing of the proposed site and the laws, ordinances, and regulations in effect at the time of the request for an extension.

# 5.2.10. Permit Review




## A. Applicability

Permit Review is required for the following:

1. **Tree Removal Permit.** Applies to all properties and is required prior to the removal of any tree with a diameter breast height (DBH) of 8 inches or more in accordance with *4.9.1. Tree Preservation and Replacement*

    a. Trees of any size determined to be dead, dying, or hazardous by the Administrator do not require a permit for removal.

2. **Floodplain Permit.** Applies to use, activity or project within any Special Flood Hazard Area (SFHA) as defined in *2.9.1. Flood Hazard Protection District (-FHP)*.

3. **Sign Permit.** Applies to the erection, installation, display, structural alteration, or change of any sign, except those not requiring a permit as defined in *4.11.3. Sign Permits*.

    a. Signs in an Architectural Design Control District, Historic Conservation District, or an Individual Protected Property are required to apply for a Certificate of Appropriateness according to *5.2.7. Major Historic Review* or *5.2.7. Major Historic Review* instead of review under this Section.

    b. Signs in an Entrance Corridor are required to apply for a Certificate of Appropriateness according to *5.2.8. Corridor Review* and are not reviewed under this Section.

4. **Temporary Use Permit.** Applies to certain uses, as defined in *Div. 3.6. Temporary Uses and Structures*.

## B. Application Requirements

### 1. Application Submittal

To apply for Permit Review, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

### 2. Floodplain Permit

Every application seeking a permit from the Administrator, and all other applications seeking an approval from the City allowing the use or project of land, or authorizing any land disturbing activity, within any Special Flood Hazard Areas (SFHA) must include the following information:

a. The Base Flood Elevation (BFE) at the site, obtained from the Flood Insurance Study (FIS)/ Flood Insurance Rate Map (FIRM) or, if not established on the FIS/FIRM, established in accordance with *2.9.1. Flood Hazard Protection District (-FHP)*;

b. The proposed elevation of the lowest floor including basement;

c. For structures to be flood-proofed, non-residential only, the elevation to which the structure will be flood-proofed;

d. Information from a topographic survey, showing existing and proposed ground elevations; and

e. Documentation or evidence of the location of the applicable SFHA, as determined in accordance with *2.9.1. Flood Hazard Protection District (-FHP)*.

## C. Review and Decision Process

### 1. Administrative Decision

a. The Administrator is authorized to approve requests for a permit.

b. When the property is within an ADC District, HC District, Entrance Corridor, or an IPP, a Certificate of Appropriateness may also be required. See *5.2.7. Major Historic Review*, *5.2.7. Major Historic Review*, and *5.2.8. Corridor Review*.

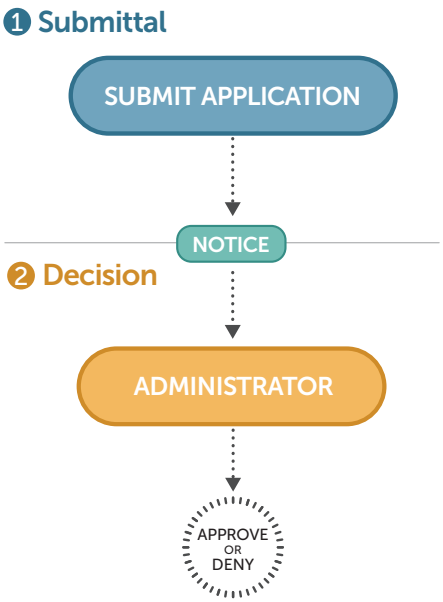
c. The Administrator must review each application and approve, approve with conditions, or deny the application based on the standards as defined in this Development Code.

## D. Action After Decision

### 1. Appeal of Decision

Appeals of administrative decisions on permits may be taken to the Board of Zoning Appeals and must follow the procedures in *5.2.17. Appeals to the Board of Zoning Appeals*.

# 5.2.11. Administrative Modification




## A. Applicability

1. The Administrator may grant a modification of 15% or less of any physical dimensional standard of this Development Code.
2. Administrative Modifications cannot be granted to the following:
   a. Dwelling units per lot;
   b. Building height in stories;
   c. Development bonuses; or
   d. Use standards.

## B. Application Requirement

### 1. Application Submittal

An application for Administrative Modification must be submitted to the Administrator along with the development application to which the request for Administrative Modification pertains. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

## C. Review and Decision Process

### 1. Administrative Decision

a. During the review process, the Administrator is authorized to approve requests for Administrative Modification.

b. The Administrator must review each application and approve, approve with conditions, or deny the application in accordance with the requirements of *Code of Virginia, § 15.2-2286.*

### 2. Notice

Prior to granting the Administrative Modification, the Administrator must provide written notice to all adjoining property owners in accordance with the requirements of *Code of Virginia, § 15.2-2286.*

## D. Criteria for Review and Decision

The Administrator is authorized to grant a modification from any applicable requirement or standard of this Development Code with respect to the physical requirements on a lot or parcel of land, including but not limited to size, height, location, or features of or related to any building, structure, or improvement, provided the Administrator finds in writing that:

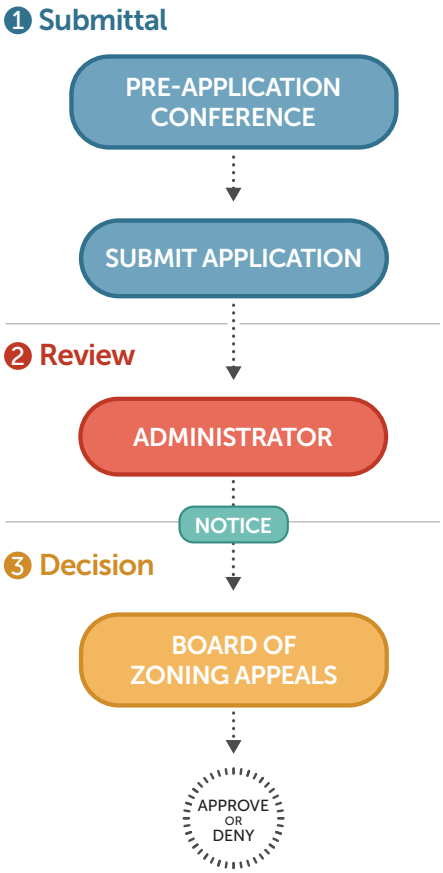
1. The strict application of the requirement would produce undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. The authorization of the modification will not be of substantial detriment to adjacent property, and the character of the zoning district will not be changed by granting the modification.

## E. Action After Decision

### 1. Appeal of Decision

Appeals of administrative decisions on Administrative Modification may be taken to the Board of Zoning Appeals and must follow the procedures in *5.2.17. Appeals to the Board of Zoning Appeals*.

# 5.2.12. Variance




## A. Applicability

According to the *Code of Virginia § 15.2-2201*, a variance applies to a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of this Development Code would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of this Development Code. It must not include a change in use, which is classified as a Zoning Amendment.

## B. Application Requirements

### 1. Application Initiation

An application for a Variance may be initiated by any property owner, tenant, government official, department, board or bureau.

### 2. Pre-Application Conference

Before submitting an application for a Variance, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

### 3. Application Submittal

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all review applications are listed in *5.2.1. Common Review Procedures*.

## C. Review and Decision Process

### 1. Administrative Review

a. The Administrator will review the Variance application and will provide a staff report and recommendation to Board of Zoning Appeals (BZA) in advance of the public hearing. Prior to the preparation of the staff report, City staff may make recommendations to the Administrator to include in the staff report.

b. A copy of the petition will be sent to the Planning Commission which may send a recommendation to the Board or appear as a party in the hearing.

2. **Notice**

Notice of the public hearing must be given in accordance with *Code of Virginia § 15.2-2204*.

3. **Board of Zoning Appeals Decision**

a. The BZA will conduct a public hearing on the application and proceed in accordance with the requirements of the *Code of Virginia § 15.2-2308.1, et seq* and its rules.

b. The BZA has the power to grant a Variance if the criteria set forth below are met; provided that the burden of proof will be on the applicant to provide by a preponderance of the evidence that the application meets the standard for a Variance in the *Code of Virginia § 15.2-2201 and 15.2-2309* and as set forth in the criteria below. If the criteria are not met, the BZA will deny the Variance. The BZA will make findings in its Order granting or denying the Variance.

c. In authorizing a Variance, the BZA may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being, and will continue to be, complied with.

## D. Criteria for Review and Decision

1. A Variance will be granted if the evidence presented to the BZA shows that the strict application of the terms of this Development Code would unreasonably restrict the utilization of the property or that the granting of the Variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of this Development Code, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and:

a. The property interest for which the Variance is being requested was acquired in good faith and any hardship was not created by the applicant for the Variance;

b. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

c. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Development Code;

d. The granting of the Variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

e. The relief or remedy sought by the Variance application is not available through a special exception process or the process for modification that is authorized by this Development Code at the time of the filing of the Variance application.

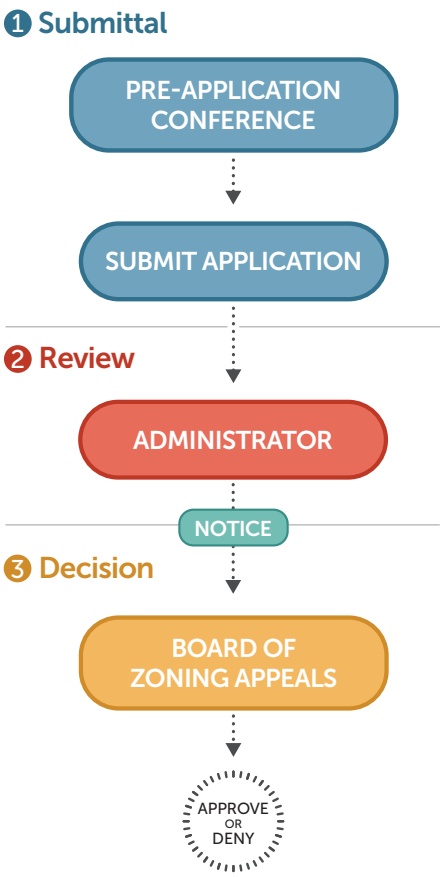
2. Any Variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person

benefited by it is no longer in need of the modification to such property or improvements provided by the Variance subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990, as applicable.

3. Nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted or nonconforming use of lands, structures, or buildings in other districts cannot be considered grounds for issuance of a Variance.

4. The BZA cannot grant a Variance to allow a use not permitted by this Development Code in the district involved or to allow a use not permitted under state law or a change in use which shall be accomplished by a Zoning Amendment.

# 5.2.13. Floodplain Variance




## A. Applicability

Applies to a deviation from certain provisions set forth in *2.9.1. Flood Hazard Protection District (-FHP)*.

## B. Application Requirements

### 1. Application Initiation

An application for a Floodplain Variance may be initiated by any property owner, tenant, government official, department, board or bureau.

### 2. Application Submittal

#### a. Pre-Application Conference

Before submitting an application for a Variance, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

#### b. Application Submittal

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

## C. Review and Decision Process

### 1. Administrative Review

The Administrator will review the Floodplain Variance application and will provide a staff report and recommendation to Board of Zoning Appeals (BZA) in advance of the public hearing. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

### 2. Notice

Notice of the public hearing must be given in accordance with *Code of Virginia § 15.2-2204*.

### 3. Board of Zoning Appeals Decision

a. The BZA will conduct a public hearing on the application.

b. Floodplain Variances will be granted by the BZA only upon a determination that:

   i. A failure to grant the variance would result in exceptional hardship on the property;

   ii. The granting of such variance will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense, any nuisances, any fraud or victimization of the public, or any conflict with federal, state, or City laws, regulations, or ordinances.

c. Floodplain Variances will be issued only after the BZA has determined that the variance will be the minimum required to provide relief from this Development Code.

d. Generally, the granting of Floodplain Variances will be limited to lots having a size of less than 1/2 acre; however, circumstances may require the BZA to deviate from this general provision. However, as the lot size increases beyond 1/2 acre, the technical justification required for issuing a variance increases. Floodplain Variances may be issued by the BZA for new construction or substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation (BFE), in conformance with the provisions of this Section.

e. Floodplain Variances may be granted by the BZA for new construction, substantial improvements, and for other development necessary for the conduct of a functionally dependent use, provided that the criteria of this section are met, and the structure, use, or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

f. The BZA may refer any application for a Floodplain Variance, and accompanying documentation, to a professional engineer licensed by the Commonwealth of Virginia, or other qualified person or agency, for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

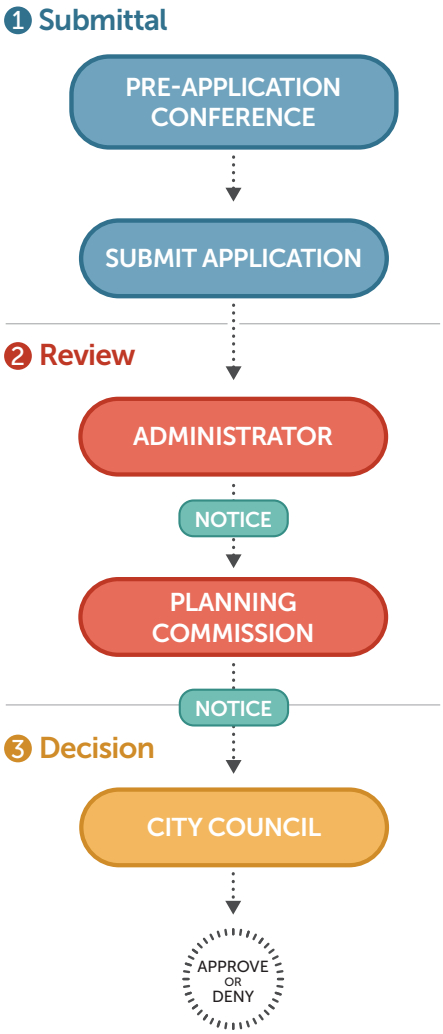
g. The BZA will notify the applicant for a Floodplain Variance, in writing, that the approval of a Floodplain Variance to construct a structure below the BFE increases the risks to life and property and will result in increased premium rates for flood insurance. A record must be maintained by the Administrator of this notification as well as all actions of the BZA pursuant to this section, including justification for the issuance of the Floodplain Variances. Any Floodplain Variances approved by the BZA must be noted in the annual or biennial report submitted by the Administrator to the Federal Insurance Administrator.

## D. Criteria for Review and Decision

In considering applications for Floodplain Variances, the BZA will consider relevant factors and procedures specified by state statutes and City ordinances, and the BZA will also consider the following additional factors:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. A variance cannot be granted for any proposed use, project, or activity within any floodway that will increase the BFE;
2. The danger that materials may be swept on to other lands or downstream to the injury of others;
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
5. The importance of the services provided by the proposed facility to the community;
6. The requirements of the facility for a waterfront location;
7. The availability of alternative locations not subject to flooding for the proposed use;
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
10. The safety of access by ordinary and emergency vehicles to the property in time of flood;
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
12. Floodplain Variances for repair or rehabilitation of historic structures may be granted upon the additional determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the proposed variance is the minimum necessary to preserve the historic character and design of the structure; and
13. Such other factors which are relevant to the purposes of *2.9.1. Flood Hazard Protection District (-FHP)*.

# 5.2.14. Special Use Permit




## A. Applicability

Applies to certain uses that are not permitted in a particular district except by a Special Use Permit (SUP) granted under the provisions of this Development Code with conditions when public necessity, convenience, general welfare, and good zoning practice require. The special uses that are permitted are set forth in *Article 3. Use Regulations* under the respective district.

## B. Application Requirements

### 1. Pre-Application Conference

Before submitting an application for a SUP, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

### 2. Submitting an Application

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

## C. Review and Decision Process

### 1. Administrative Review

a. The Administrator will review the application for a SUP and will provide a staff report and recommendation to Planning Commission in advance of the public hearing. Prior to the preparation of the staff report, other City staff may make recommendations to the Administrator to include in the staff report.

b. When the property is within an ADC District, HC District, or an Individually Protected Property, the Administrator will refer the application to the BAR for review as to whether the proposed application will have an adverse impact on the district, and for recommendation as to reasonable conditions which, if imposed, would mitigate any such impacts. The BAR must submit a written report of its findings in support of its recommendation City Council.

2. **Notice**

Notice of the public hearing must be given in accordance with *Code of Virginia § 15.2-2204*.

3. **Planning Commission Review**

a. The Planning Commission will conduct a public hearing on the application.

b. The Planning Commission will review and make recommendations to City Council in the same manner as provided in *5.2.5. Zoning Amendment* for an owner-initiated petition for a zoning amendment.

4. **City Council Decision**

a. The City Council will conduct a public hearing on the application. The City Council may hold a joint public hearing with the Planning Commission.

b. If the City Council grants a SUP, the Council can set forth ~~any~~ reasonable conditions which apply to the approval granted.

## D. Criteria for Review and Decision

In considering an application for a SUP, the City Council will consider the following factors:

1. Whether the proposed use will be harmonious with existing patterns of use and development within the neighborhood and the zoning district in which it will be developed;

2. Whether the proposed use and associated public facilities will substantially conform to the Comprehensive Plan;

3. Whether the proposed use will have potentially adverse impacts on the surrounding neighborhood, or the community in general, and, if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:

   a. Traffic or parking congestion;

   b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment; and

   c. Destruction or encroachment upon conservation or historic districts; and

4. Whether with the conditions the SUP is consistent with public necessity, convenience, general welfare, and good zoning practice.

## E. Action After the Decision

### 1. Amendments

A SUP may be amended following the same procedures as for approval of an original SUP application.

### 2. Applicability and Validity

a. A SUP, together with any amendments and modifications, apply to the property for which it was issued so long as such property is used for the purpose approved by such permit, and is not transferable to any other property.

b. A special use permit will expire:

i. 18 months from the date of approval by City Council if no Development Review is required and a building permit to construct the authorized improvements for the special use has not been approved.

ii. 18 months from the date of approval by City Council if no building permit is required and the use has not commenced operation as approved by the SUP.

iii. 18 months from the date of approval by City Council in the case of proposed new construction if Development Plan approval has not been granted.

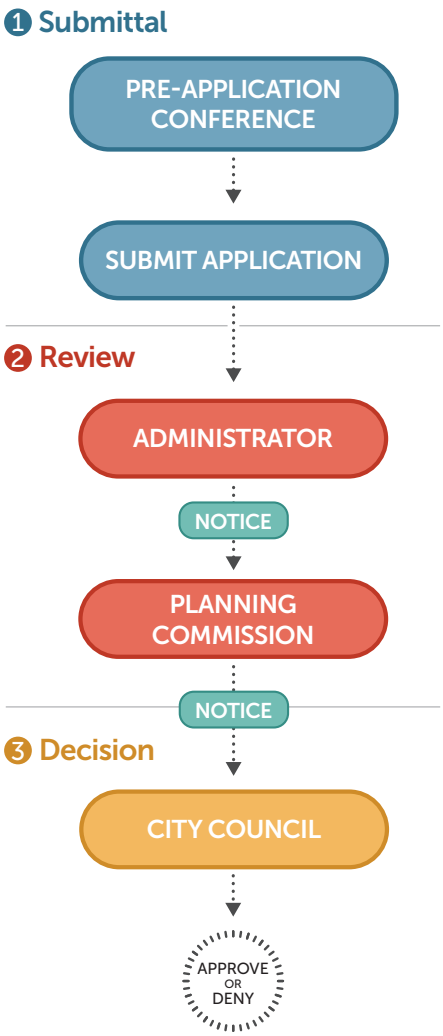
iv. Upon revocation of an approved Development Plan or expiration of an approved Site Plan for a SUP use, if the SUP is associated with new construction for which a valid Site Plan is required.

v. In the event that the use allowed by a SUP once established is not used for a period of 2 consecutive years.

c. Prior to the expiration of a SUP and upon written request by the applicant to the Administrator, the Administrator, if the SUP remains in compliance with all applicable ordinances and policies, may grant an extension of up to one year. A request for an extension must be submitted prior to expiration of the SUP. The Administrator will provide written notification of the decision on the extension request within 14 business days.

d. A SUP is revocable upon written order of City Council at any time because of the failure of the owner or operator of the use allowed by the SUP to observe all conditions and requirements with respect to the maintenance and conduct of the use. The City Council may revoke the SUP after notice and public hearing as provided by the *Code of Virginia § 15.2-2204*.

# 5.2.15. Special Exception Permit




## A. Applicability

1. The City Council may grant a modification of any physical dimensional standard of this Development Code by Special Exception Permit.
2. A Special Exception Permits may be granted for physical dimensional standards described in the following Divisions:
   a. *Div. 2.10. Rules for Zoning Districts;*
   b. *Div. 4.3. Blocks and Connectivity;*
   c. *Div. 4.5. Access and Parking;*
   d. *Div. 4.7. Transitions and Screening;* or
   e. *Div. 4.8. Fences and Walls.*
3. A Special Exception Permit may be granted for an increase in building height in stories where required by the building height standards of the district.
4. A Special Exception Permit cannot be granted for the following standards:
   a. Dwelling units per lot; or
   b. Development bonuses.

## B. Application Requirements

### 1. Pre-Application Conference

Before submitting an application for a Special Exception Permit, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

### 2. Submitting an Application

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

## C. Review and Decision Process

### 1. Administrative Review

a. The Administrator will review the application for a Special Exception Permit. Other City staff will be involved in the review on an as-needed basis, depending on the type of request.

b. The Administrator will provide a staff report and recommendation to the Planning Commission.

c. When the property is within an ADC district, HC district, or an IPP, the Administrator will refer the application to the BAR for review as to whether the proposed exception will have an adverse impact on the district, and for recommendation as the to reasonable conditions which, if imposed, would mitigate any such impacts. The BAR must submit a written report of its findings in support of its recommendation to City Council.

### 2. Planning Commission Review

The Planning Commission will review and make recommendations to City Council in accordance with the review criteria. If the Planning Commission recommends approval of the Special Exception Permit, the Commission may set forth reasonable conditions which they recommend apply to the approval if granted.

### 3. City Council Decision

If the City Council grants a Special Exception Permit, the Council may set forth reasonable conditions which apply to the approval granted.

## D. Criteria for Review and Decision

In considering an application for a Special Exception Permit, the City Council will consider the following factors:

1. Whether the proposed modifications to physical dimensional standards will be harmonious with existing and approved patterns of development on the same or an opposing block face or abutting property;
2. Whether the proposed modification supports the goals and strategies of the Comprehensive Plan;
3. Whether, with conditions, the Special Exception Permit is consistent with the public necessity, convenience, general welfare, and good zoning practice.

## E. Action After Decision

### 1. Amendments

A Special Exception Permit may be amended following the same procedures as for approval of an original Special Exception Permit application.

## 2. Applicability and Validity

a. A Special Exception Permit, together with any amendments and modifications, apply to the property for which it was issued so long as such property is developed in accordance with the approved permit, and is not transferable to any other property.

b. A Special Exception Permit will expire:

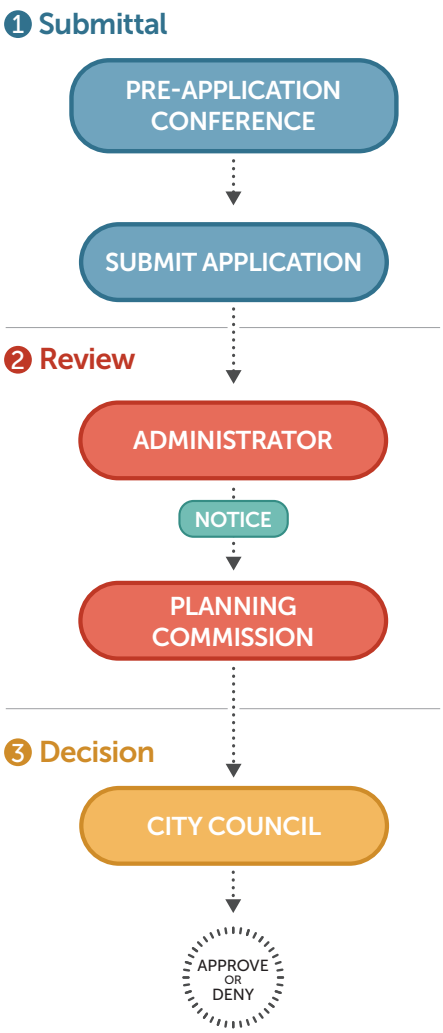
i. 18 months from the date of approval by City Council if no Development Review is required and a building permit to construct the authorized improvements has not been approved.

ii. 18 months from the date of approval by City Council in the case of proposed new construction if Development Plan approval has not been granted.

iii. Upon revocation of an approved Development Plan or expiration of an approved Site Plan.

c. Prior to the expiration of a Special Exception Permit and upon written request by the applicant to the Administrator, the Administrator, if the Special Exception Permit remains in compliance with all applicable ordinances and policies, may grant an extension of up to 1 year. A request for an extension must be submitted prior to expiration of the Special Exception Permit. The Administrator will provide written notification of the decision on the extension within 14 business days.

# 5.2.16. Critical Slopes Special Exception




## A. Applicability

Applies to requests for a waiver to the standards of *4.10.1. Critical Slopes*.

## B. Application Requirements

### 1. Pre-Application Conference

Before submitting an application for a Critical Slopes Special Exception, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

### 2. Submitting an Application

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

## C. Review and Decision Process

### 1. Administrative Review

The Administrator will review the application for a Critical Slopes Special Exception and will provide a staff report and recommendation to Planning Commission in advance of the public hearing. Prior to the preparation of the staff report, City staff may make recommendations to the Administrator to include in the staff report.

### 2. Notice

Notice of the public meeting must be given in accordance with *Code of Virginia § 15.2-2204*.

### 3. Planning Commission Review

The Planning Commission will review the application and report its findings and recommendations to the City Council.

4. **City Council Decision**

   a. The City Council will conduct a public meeting on the application. The City Council may hold a joint public meeting with the Planning Commission.

   b. If the City Council grants a Critical Slopes Special Exception, the Council can set forth any reasonable conditions which apply to the approval granted.

## D. Criteria for Review and Decision

1. City Council may grant a Critical Slopes Special Exception when it finds that:

   a. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, the requirements of *4.10.1. Critical Slopes* would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties; or

   b. The public benefit of the proposed encroachment outweighs the public benefit of protecting the area of slope proposed to be impacted.

2. City Council will review an application for a Critical Slopes Special Exception according to the following criteria:

   a. Whether the amount of impact has been limited to the greatest extent possible;

   b. Whether sufficient mitigation has been proposed to limit the impact of the proposed encroachment;

   c. Whether steps have been taken to limit or prevent impacts to portions of the sloped area with environmental or scenic value or vulnerability to disturbance; and

   d. Whether the proposed project is consistent with the zoning district and Comprehensive Plan.

# 5.2.17. Appeals to the Board of Zoning Appeals

## A. Applicability

An appeal to the Board of Zoning Appeals (BZA) may be taken by any aggrieved person or by any officer, department, board or bureau of the City affected by any decision of the Administrator or an administrative officer in the administration or enforcement of this Development Code. The Administrator's failure to act on any process in this Development Code Chapter constitutes a decision, and may be appealed according to the requirements of this Section.

## B. Application Requirements

1. An appeal of a decision by the Administrator or other administrative officer must be filed with the BZA within 30 days after the decision is made. The filing must specify the grounds for appeal.
2. Any written notice of a zoning violation or a written order of the Administrator must include a statement informing the recipient that they have a right to appeal such notice or order within 30 days in accordance with this Section, and that the decision is final and unappealable if not appealed within 30 days.

## C. Review and Decision Process

### 1. Administrative Action

The Administrator will transmit to the BZA, all the documents constituting the records upon which the action appealed from was taken.

### 2. Notice

Notice of the public hearing must be given in accordance with *Code of Virginia § 15.2-2204*.

### 3. Board of Zoning Appeals Action

a. In reviewing the actions of the Administrator, the BZA may, so long as its action is in conformity with the terms of this Chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

b. The concurring vote of a majority of the members is necessary to reverse any order, requirement, decision or determination of the Administrator or other administrative officer or to decide in favor of the applicant.

c. An appeal to the BZA from any action of an official taken pursuant to this Chapter will stay the effect of the action appealed from; provided, however, that an appeal cannot operate as a stay if the official performing such action certifies to the Board that a stay would cause imminent peril to life or property in which the case proceedings will not be stayed otherwise than by a restraining order granted by the BZA or a court of record on application, and on notice to the Administrator and for good cause shown. . If such a certification is made to the BZA, the person pursuing the appeal may contest the accuracy of the certification. The BZA will in such case immediately hear and determine the question of whether the action appealed from should be stayed pending a decision on the merits of the appeal.

# DIV. 5.3. NONCONFORMITIES

## 5.3.1. General

### A. Intent

The provisions of this Division provide relief from the requirements of this Development Code for any existing nonconformity, defined as any lot, building or structure, or use that conformed to the zoning regulations at the time they were established, but do not conform to current requirements of this Development Code.

### B. General Standards

The following general rules apply to nonconformities. Specific rules in the following Sections may provide additional standards or exceptions to these general rules:

1. Maintenance and repair or renovation project activities may be conducted on a nonconforming building, structure, or use without triggering any of the standards of this Section.
2. No new construction, addition, site modification, facade modification, or change of use project activities may occur on any nonconforming lot or to any nonconforming building or structure, or nonconforming use, that increases the degree of nonconformity with any individual standard in this Development Code, except where allowed in the following Sections.
3. Demolition that reduces compliance with the standards or rules in any zoning district is not allowed, except in conjunction with a new project activity that allows the project to meet the minimum requirements of current standards or rules.
4. The nonconforming status of any nonconforming lot, building or structure, or use must adhere solely to the land, and not to the owner, tenant or other holder of any legal title to the property or the right of possession of the property.
5. Nothing in this Division will be construed to prevent removal of a valid nonconforming manufactured housing unit from property and replacement of that unit with another, comparable manufactured housing unit that meets the current HUD manufactured housing code. Such replacement unit will retain the valid nonconforming status of the prior unit.

### C. Verification

1. Prior to approval of any change in a nonconforming lot, building or structure, or use, the lawful status of the lot, building or structure, or use must be verified by the Administrator. The Administrator may also verify the lawful status of a nonconforming lot, building or structure, or use upon the request of the owner of the property, the request of an abutting property owner, or upon the Administrator's own initiative.
2. In verifying the lawful status of a nonconforming lot, building or structure, or use the Administrator must determine the following in writing:
    a. Whether the use, lot, or building or structure is lawfully nonconforming;
    b. The location and gross floor area of all buildings;

c. The location, use and size of all structures other than buildings;

d. The area of land devoted to all aspects of the nonconforming lot, building or structure, or use, including buildings, parking, outside storage, travel ways, and open spaces; and

e. A description of the principal use and all accessory uses that make up the lawful nonconforming use as a whole.

3. The Administrator's determination will be based on information provided by the owner of the property, information provided by any other persons with knowledge of the property, and on any other information available to the Administrator through public records. Public record information may include, but is not be limited to, records of permits, licenses, property tax assessments, business records, photographs, plats, and plans.

4. The Administrator will provide a copy of their determination to the property owner. The Administrator's determination will be final after 30 days unless an appeal is filed with the Board of Zoning Appeals.

5. The Administrator may keep and maintain records of all verified nonconforming lots, buildings and structures, and uses. No less than every two years after the original date of verification, the owner or operator of a verified nonconforming lot, building or structure, or use may file a report with the Administrator showing that the nonconformity has not ceased for a 2 year period, or been abandoned, and that the lot, building or structure, or use is being used, maintained or operated in accordance with the original decision rendered by the nonconforming verification process and authorized changes.

## 5.3.2. Nonconforming Lots

### A. Authority to Continue

1. Any lot of record as of the date of adoption of this Development Code located within any zoning district that is nonconforming as to required lot area or lot width may be used for any use permitted by the zoning district, provided all other standards of the zoning district are met.

2. Where yard requirements within a particular zoning district would preclude construction on a nonconforming lot, the Administrator may establish alternate yard requirements, which will consist of the following requirements:

a. The setbacks applicable to the last building established on the nonconforming lot, or if no building previously existed on the lot, then

b. The average of the setbacks applicable to the buildings currently located on the same block as the nonconforming lot.

### B. Permitted Changes

Nonconforming lots may change as follows:

1. A nonconforming lot may be increased in lot size, lot width, or both, to make the lot less nonconforming;

2. The boundaries of a nonconforming lot may be adjusted, along with the boundaries of any contiguous conforming lot, provided such adjustment does not make the conforming lot nonconforming and does not make the nonconforming lot more nonconforming.

3. A boundary adjustment between or among 2 or more adjoining nonconforming lots will be permitted provided that no new lot is created.

4. When a building or structure to be constructed or expanded is located on more than one nonconforming lot, a boundary adjustment will be required to consolidate the lots to make them less nonconforming.

5. When a nonconforming lot is changed as allowed within this Section, and when 2 or more nonconforming lots are assembled to create a conforming lot, a plat of subdivision must first be filed and approved in accordance with the *Div. 6.7. Administration*.

## 5.3.3. Nonconforming Buildings and Structures

### A. Permitted Changes

1. Changes to a nonconforming structure must be in accordance with the provisions of this Section.

2. A nonconforming structure damaged by casualty, as distinguished from ordinary wear and tear, may be restored in accordance with the following:

   a. A nonconforming structure damaged by any casualty may be restored to its condition prior to the casualty, provided such restoration is begun within twelve months of the date of the casualty and provided further that such restoration, once begun, is completed within twenty-four months of the casualty.

   b. Restoration of a nonconforming structure may include minor alterations, cosmetic modifications, interior renovations, or similar changes; however, restoration of a nonconforming structure cannot include any expansion unless allowed by the standards of this Section.

   c. Restoration may include changes that make the structure less nonconforming than it was prior to the casualty.

   d. Prior to any restoration the nonconforming status of the structure must be verified by the Administrator.

3. A solar energy system may be placed on or attached to a nonconforming building or structure.

### B. Expansions

1. Expansions of a nonconforming structure must meet the requirements of this Development Code with the following exceptions:

   a. If the nonconforming structure does meet build-to width requirements of the zoning district, the expansion must meet the requirements of this Section.

b. In a Residential (R-) District, a nonconforming structure that encroaches into the setback may be expanded as long as the expansion will not result in an increase in the encroachment. However, expansions in height to existing nonconforming structure, which do not meet current setback requirements, are permitted only if:

   i. The structure is only being increased in height; and

   ii. The footprint of the structure will remain unchanged by the proposed expansion in height.

2. If the nonconforming structure to be expanded is also a contributing structure in an ADC District or HC District, or an Individually Protected Property, , then that structure is not required to meet any development standard that would require modification of the structure itself, and the Board of Architectural Review must approve a Certificate of Appropriateness for the proposed expansion.

3. The placement or installation of a solar energy system on a building or lot will not be deemed an expansion of a nonconforming building or structure, and the area occupied by any such system will not be included within the calculation of percentages of expansion.

4. Where a nonconforming structure is utilized for or in connection with a nonconforming use, no expansion of the nonconforming structure will be approved unless the Administrator certifies one of the following:

   a. The expansion of the nonconforming structure would not result in expansion of the nonconforming use, or

   b. The expansion of the nonconforming structure would result in expansion of the nonconforming use, but expansion of the nonconforming use would meet the requirements of *5.3.4. Nonconforming Uses*.

5. Prior to the approval of any expansion of a nonconforming structure, nonconforming status will be verified by the Administrator.

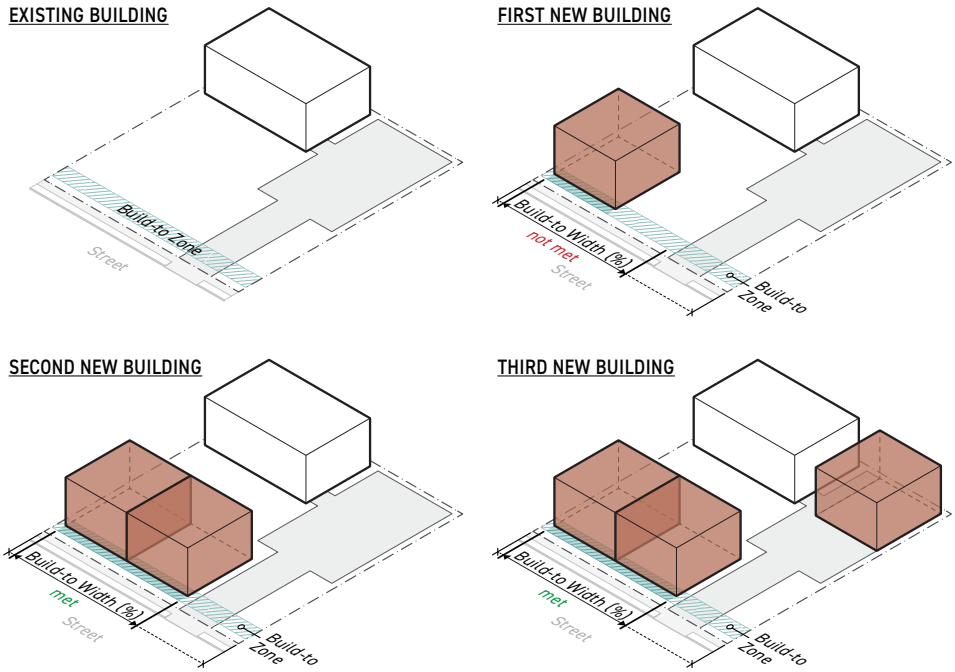
6. In the event of any permitted expansion of a nonconforming structure, all signs located on the property must be brought into full compliance with current Development Code requirements.

## C. Nonconforming Build-To Requirement

When an existing building is being expanded or a new building is being constructed, and the building or lot does not meet the build-to width requirement, the following provisions apply:

## 1. New Buildings on an Interior Lot

All new construction buildings or structures must occupy the build-to zone until the build-to width requirement has been met. Until all build-to width standards have been met, new buildings must occupy the build-to zone for their entire building width.

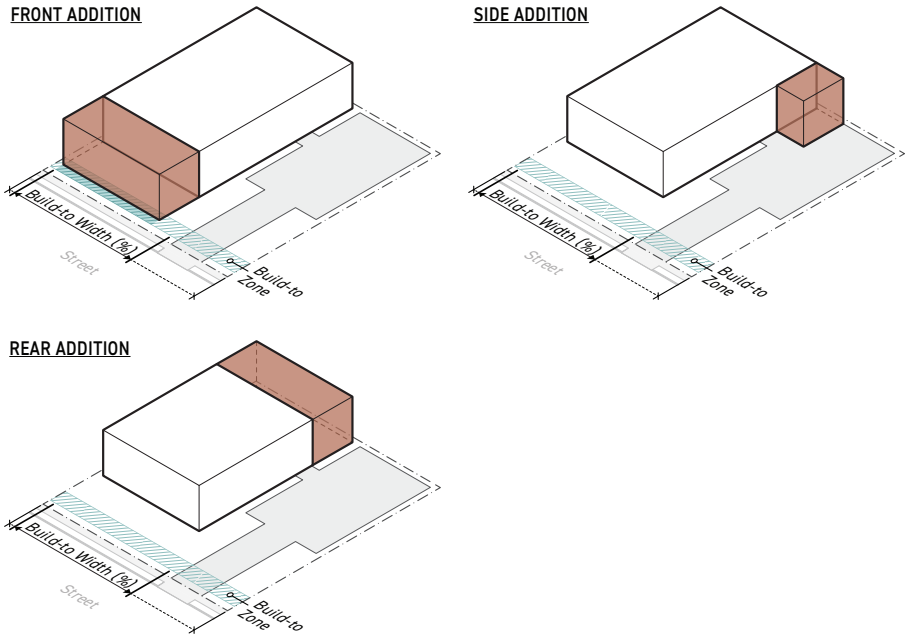



## 2. Additions on an Interior Lot

a. Any additions to the front of an existing building must occupy the build-to zone. The addition does not have to meet the required build-to width for the entire lot. Front additions with a maximum floor area of 10% of the existing building footprint are allowed behind the build-to zone.

b. Side additions having a floor area less than 20% of the existing building footprint are allowed. Once the build-to width standard has been met, side additions of any size are allowed.

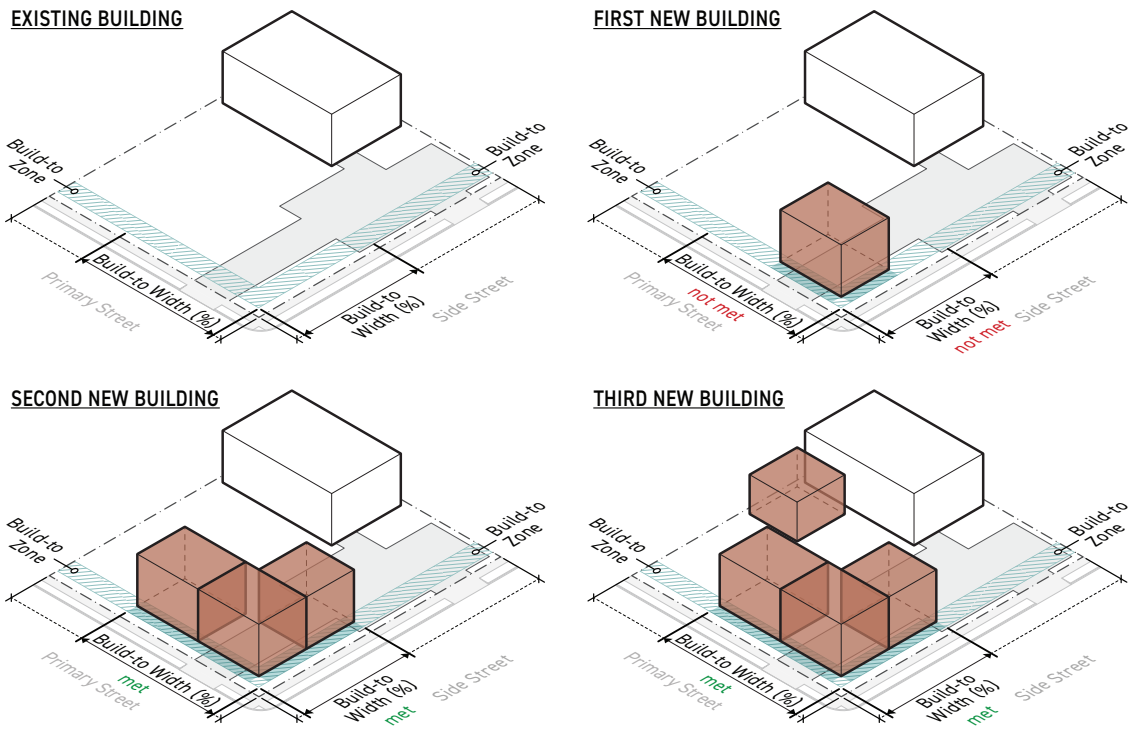
c. Rear additions of any size are allowed. Transition setbacks may apply, see *Div. 4.7. Transitions and Screening*.




## 3. New Buildings on a Corner Lot

a. All new buildings must occupy the build-to zone until the build-to width requirement for both streets have been met.

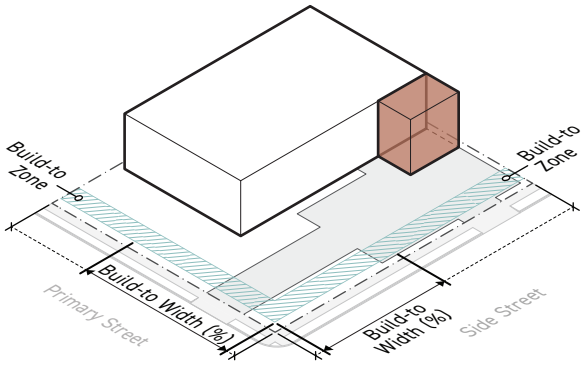
b. Once the build-to width requirement has been met for both streets, new buildings may be placed behind the build-to zone.



### 4. Additions on a Corner Lot

a. Any addition to the front of an existing building must be located within the build-to zone on the primary street. The addition does not have to meet the minimum build-to width for the entire lot. Front additions with floor area no greater than 10% of the existing building footprint are allowed behind the build-to zone.

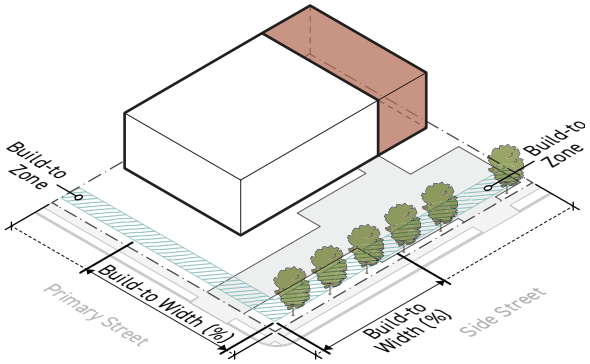
b. Side additions with floor area no greater than 20% of the existing building footprint are allowed. Once the build-to width standard has been met for both streets, side additions of any size are allowed.




c. Rear additions of any size, located behind the build-to zone, are allowed provided:

i. A landscape area at least 6 feet wide adjacent to the side street lot line is installed across the entire length of the side street frontage. Breaks for pedestrian, bicycle, and vehicular access of the minimum practical width are allowed.

ii. The landscape area must include medium or large trees planted an average of 30 feet on-center along the entire landscape area.




iii. Trees should be planted offset from street trees to maximize space for canopy growth.

iv. All landscaping must meet the applicable standards of *Div. 4.9. Landscaping*.

# 5.3.4. Nonconforming Uses

## A. Authority to Continue

1. A nonconforming use discontinued for a period of 2 years will lose its nonconforming status, and any further use must conform to the provisions of this Development Code. Vacancy or non-use of the building of a nonconforming use for a 2 year period will establish a presumption that such use has been discontinued.
2. Continuation of a use which is accessory to the principal nonconforming use during the two-year period, without continuation of the principal nonconforming use itself, cannot operate to continue the principal nonconforming use.
3. No use that is accessory to a principal nonconforming use may be continued after nonconforming status is lost.
4. A use that is accessory to a permitted principal use cannot be made the basis for a nonconforming use.

## B. Permitted Changes

1. Changes to a nonconforming use must be in accordance with the provisions of this Section.
2. A nonconforming use may change to a more restricted nonconforming use, if approved by the Administrator, based on the following standards:
    a. The Administrator must verify the status of the nonconforming use based on the standards of this Section. The Administrator will include a determination in writing that the proposed use is considered more restricted than the existing nonconforming use, and a copy of the determination will be forwarded to the Planning Commission and City Council.
    b. If the Administrator determines the proposed use is not more restricted than the existing nonconforming use, then the application for a change to a more restricted nonconforming use will be denied.
    c. In determining whether a proposed use is a more restricted nonconforming use, the following factors, among others, will be considered:
        i. Whether the proposed use will change the size and scope of the existing use of the subject property, and the magnitude of such change; and
        ii. Whether the proposed use will increase the intensity of use of the subject property, including hours of operation, traffic, noise, and similar impacts; and
        iii. Whether the proposed use will have a more or less detrimental effect than the existing nonconforming use upon conforming uses within the surrounding neighborhood; and
        iv. How the total effect of these factors relate to the purpose, policies, and objectives of this Development Code.

3. A nonconforming use destroyed by any casualty may be reestablished as it existed immediately prior to such casualty, so long as such use is reestablished within 2 years following the date of destruction.

4. The owner of a valid nonconforming manufactured home not located within a manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home will retain the valid nonconforming status of the prior home.

### C. Expansions

1. Prior to the approval of any expansion of a nonconforming use, nonconforming status will be verified by the Administrator.

2. Nonconforming uses may be expanded on an area of a lot not originally devoted to the nonconforming use, provided such expansion meets all current requirements of this Development Code applicable only to the expansion. The placement or installation of a solar energy system on a building or lot will not be deemed an expansion of a nonconforming use.

3. Permitted expansions for nonconforming uses that require Special Use Permits are required to obtain Special Use Permits only when an expansion exceeds 25% of the gross floor area of the existing structure.

## 5.3.5. Nonconforming Signs

### A. Permitted Changes

1. Normal maintenance of a legal nonconforming sign, including changing of copy, nonstructural repairs, and incidental alterations which do not extend or intensify the nonconforming features of the sign, is permitted. However, structural alteration, enlargement, or extension cannot be made to a legal nonconforming sign unless the alteration, enlargement, or extension will result in elimination or reduction of the nonconforming features of the sign.

2. Should any legal nonconforming sign be damaged by any means to an extent of 50% or more of its replacement cost at the time of damage, it cannot be reconstructed except in conformity with the provisions of this Section. In the event damage or destruction of the sign is less than 50% of its replacement cost at that time, the sign may be rebuilt to its original condition and may continue to be displayed.

3. Notwithstanding any contrary provisions of this Article, the restoration or reconstruction of an original sign associated with an Individually Protected Property is permitted, if the establishment identified in the sign is still in operation at that location.

## 5.3.6. Nonconformities in Floodplain Overlay Districts

Nonconforming uses and structures within the City's flood hazard protection overlay district may be altered or replaced only in accordance with the provisions of *2.9.1. Flood Hazard Protection District (-FHP)*.

# DIV. 5.4. **ENFORCEMENT**

## 5.4.1. **Authority**

The Administrator is authorized to institute any appropriate action or proceeding, at law or in equity, to prevent a violation or attempted violation, to restrain, correct or abate a violation or attempted violation, or to prevent any act which would constitute a violation of this Development Code.

## 5.4.2. **Compliance with Chapter**

A. The regulations set forth in this Chapter must be considered the minimum requirements to protect public health, safety, and general welfare, and to provide a remedy for existing conditions that are detrimental thereto.

B. No land, building, or structure may be erected, converted, enlarged, altered, used or occupied, and a building or structure cannot hereafter be located, erected, constructed, reconstructed, altered, repaired or moved except in conformity with the regulations specified within this Development Code.

## 5.4.3. **Inspections**

### A. General Inspections

1. The Administrator will examine premises for which permits have been issued and will make necessary inspections to ensure compliance with the provisions of this Chapter, in accordance with the law.

2. The Administrator must, when requested by the City Manager, or when the interest of the City so requires, make investigations in connection with the matters referred to within this Chapter and render written reports on the same.

3. Inspections will be made by the Administrator or a duly appointed assistant

### B. Subdivision Inspections

1. Submittal of a Preliminary or Final Plat by a project developer will constitute consent by the project developer to the City, and any state department or agency, to enter the property at all reasonable times for the purpose of making periodic inspections related to the review of the Preliminary and Final Plat for compliance with this Development Code and applicable state laws and regulations.

2. The project developer must provide at least 5 days' prior notice to the City when each stage of construction and improvement of the project is ready for inspection, and approval for the inspections to occur.

3. Any inspection of public improvements must be conducted solely to determine compliance with the requirements and specifications provided by law and the approved plat.

# 5.4.4. Violations

## A. General

1. The following persons are hereby declared to be subject to the enforcement provisions of this Division:

   a. An owner of property determined to be in violation of this Chapter or of any regulation adopted pursuant to this Chapter found to exist on their property.

   b. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates a provision of this Chapter, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building or land in violation of the provisions of this Chapter.

2. The following conduct is hereby declared to be unlawful and subject to the enforcement provisions of this Division:

   a. Violation of any provision of this Chapter or of any regulation adopted pursuant to authority conferred by it.

   b. Any building erected or improvements constructed contrary to any of the provisions of this Chapter and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Chapter or contrary to any detailed statement, plan, permit, certificate, variance or approval issued under the provisions of this Chapter.

   c. Failure to maintain improvements required under the terms of an approval granted under this Chapter in a condition that ensures protection of the public safety and general welfare. It is the purpose of this Section to ensure that those site improvements intended for benefit of the public or protection of adjacent properties, but not dedicated to public use or otherwise transferred to City ownership, are maintained in a condition that permits those intentions to be fulfilled.

   d. Failure to maintain or repair a contributing structure or protected property as required by *2.9.2. Architectural Design Control District (-ADC), 2.9.3. Individually Protected Properties (-IPP),* and *2.9.4. Historic Conservation District (-HC)*. Contributing structures and protected properties are not allowed to fall into a state of disrepair that could result in the deterioration of any exterior appurtenance or architectural feature so as to produce a detrimental effect upon the character of a design district of the life and character of a contributing structure or protected property.

   e. Procurement of any amendment or any permit, certificate or approval through misrepresentation of any material fact.

   f. Initiating any land disturbing activity, or any activity for which a building permit or demolition permit is required, without obtaining all necessary approvals and permits.

   g. Upon becoming aware of any violation of any provision of this Chapter, the Administrator may proceed to remedy the violation as provided in this Division.

## B. Notice, Correction Order, and Appeals

1. Except as otherwise specifically provided in this Chapter, the Administrator may, upon finding that an owner or any other person is or has been engaging in conduct declared unlawful by this Chapter, issue a violation notice or correction order directing such person to stop engaging in such conduct.

2. The issuance of a violation notice or correction order suspends the effect of any approval, permit, plan, variance or certificate previously issued that relates to the property or premises subject to the order until such time as the violation notice or correction order is withdrawn by the Administrator or is stayed by an appeal to the Board of Zoning Appeals.

3. The Administrator may, if so specified in the violation notice or correction order, revoke any permit or certificate previously issued by them.

4. Any written notice of a zoning violation or a written order of the Administrator must include a statement informing the recipient that they may have a right to appeal the notice of a zoning violation or a written order to the Board of Zoning Appeals as provided in *5.2.12. Variance*, and that the decision is final if not appealed within the applicable time period. The appeal must be taken by filing with the Administrator, and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof.

5. The appeal period for a violation notice and correction order is 30 days except that the appeal period is 10 days for violations involving the following:

    a. Temporary or seasonal commercial uses;

    b. Parking;

    c. Temporary signs;

    d. Occupancy requirements in residential zones; and

    e. Home occupation or office of resident regulations in residential zones.

6. Where a violation notice or correction order is issued and such violation has not ceased within such reasonable time as the Administrator has specified, the Administrator must institute such action as may be necessary to terminate the violation. The Administrator may initiate injunction, mandamus, abatement, criminal or civil warrant, or any other appropriate action to prevent, enjoin, abate or remove such violation of any provision of this Chapter.

## C. Criminal Penalties

1. In the event that the Administrator determines that there has been any violation of this Chapter, the Administrator may seek criminal process against the alleged violator. .

2. An owner or any other person convicted of any violation of this Chapter is subject to the following:

    a. A misdemeanor offense punishable by a fine of not more than $1,000.00.

b. If the violation is uncorrected at the time of conviction, the court must order the person convicted to abate or remedy the violation in compliance with this Chapter within a time period established by the court. Failure to remove or abate such violation within the time period established by the court constitutes a separate misdemeanor offense punishable by a fine of not more than $1,000.00, and any such failure during any succeeding 10 day period constitutes a separate misdemeanor offense for each 10 day period, punishable by a fine of not more than $1,500.00; and any such failure during a succeeding 10 day period will constitute a separate misdemeanor offense for each 10 day period punishable by a fine of not more than $2,000.00.

## D. Civil Summons or Ticket

1. An owner or any other person who violates any provision of this Chapter as scheduled in this Section, or permits any such violation, is subject to the civil penalties as scheduled in this Section.
2. The Administrator may cause a summons or ticket to be issued for any scheduled violation and served upon an owner or any other person responsible for that violation in any other manner of service authorized by law.
3. Such summons or ticket must contain the following information:
   a. The name and address of the alleged violator.
   b. The nature of the violation, the Chapter section being violated and the applicable section of the civil penalty schedule as set forth herein.
   c. The location, date and time that the violation occurred or was observed.
   d. The amount of the civil penalty assessed for the violation.
   e. The manner, location and time in which the civil penalty may be paid to the City.
   f. The right of the recipient of the summons to elect to stand trial for the violation and the date for such trial, or the date for scheduling of such trial by the court.
4. Any person summoned for a scheduled violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the City treasurer prior to the date fixed for trial in court. A person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the offense charged. A signature to an admission of liability must have the same force and effect as a judgment of court. However, such an admission must not be deemed a criminal conviction for any purpose.
5. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation must be tried in the Charlottesville General District Court in the same manner and with the same right of appeal as provided by law. A finding of liability is not to be deemed a criminal conviction for any purpose.
6. The designation of a particular violation in the schedule of civil penalties must be in lieu of any criminal penalty under this Section and, except for any violation resulting in injury to persons, such a designation precludes the prosecution of the particular violation as a criminal misdemeanor, but does not preclude any other remedy available under this Development Code.

7. Each day during which a violation is found to exist is a separate offense. However, the same scheduled violation arising from the same operative set of facts may be charged not more than once in a 10 day period, and the total civil penalties from a series of such violations arising from the same set of operative facts must not exceed $5,000.00.

8. The designation of a particular violation in the schedule of civil penalties cannot be construed to allow the imposition of civil penalties:

    a. For activities related to land development;

    b. For violation of any provision of this Development Code relating to the posting of signs on public property or public rights-of-way;

    c. For enforcement of the Uniform Statewide Building Code; or

    d. For violation of an erosion and sediment control ordinance.

9. Any reference herein to a section of this Chapter includes all subsections and paragraphs of that section.

## E. Schedule of Civil Penalties

1. Any violation of the following provisions of this Chapter is subject to a civil penalty of $200.00 for the first violation, and a civil penalty of $500.00 for each subsequent violation arising from the same set of operative facts:

    a. The placement, allowance of, erection or maintenance of a material impediment to visibility so as to restrict sight distance in violation of section *4.5.3. Vehicle Access*.

    b. Violation of *Div. 4.5. Access and Parking*, regulating parking.

    c. Each use of a lot, including the use of any structure thereon, not authorized either as a matter of right or by special use permit, temporary use permit, or temporary use permit by the zoning regulations applicable to the district in which the lot is located.

    d. Any violation of section *Div. 3.4. Use Standards* establishing supplementary regulations for certain uses authorized in the several zoning districts.

    e. Any violation of the zoning district regulations contained within *Article 2. Zoning Districts*, pertaining to dimensional requirements.

    f. Any violation of any approved proffers, special use permits, temporary use permits, variances, development plans, certificates of appropriateness or any condition related thereto.

    g. Any violation of *Div. 5.3. Nonconformities*, regulating nonconforming uses, lots and structures.

    h. Violation of *Div. 4.11. Signs*, regulating permanent and temporary signs, except as otherwise provided in this division.

    i. Any violation of *Article 4. Development Standards*, et seq., regarding improvements required for projects.

j. Any violation of *3.4.3.A. Communication Facilities*, regarding requirements for telecommunications facilities.

2. Any person who demolishes, razes or moves any building or structure which is subject to the regulations set forth within *5.2.7. Major Historic Review*, without approval of the Board of Architectural Review or City Council, is subject to a civil penalty not to exceed twice the fair market value of the building or structure, as determined by the City real estate tax assessment at the time of the demolition, razing or moving.

   a. For purposes of this Section, the term "person" includes any individual, firm, partnership, association, corporation, company or organization of any kind, which is deemed by the Charlottesville Circuit Court to be responsible for the demolition, or razing.

   b. An action seeking the imposition of the penalty must be instituted by petition filed by the City in the Circuit Court of the City of Charlottesville, which must be tried in the same manner as any action at law. It is the burden of the City to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability cannot be a criminal conviction for any purpose.

   c. The defendant may, within 21 days after the filing of the petition, file an answer and, without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties or as established by the court, the petition must be dismissed from the court's docket.

   d. The filing of the action pursuant to this Section precludes a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.

## F. Injunctive Relief, Court Order to Correct and Other Remedies

1. Any violation of this Chapter may be restrained, corrected or abated by injunction or other appropriate relief including, but not limited to, a court order directing a person determined to have engaged in conduct declared unlawful by this Chapter to conform to the requirements of this Chapter or any authorized regulations and to the provisions, requirements, conditions or standards contained in any required plan, permit, certificate, variance or approval issued thereunder.

2. The issuance of a violation notice and correction order must not be deemed a precondition to the initiation of an injunction, mandamus or any other appropriate legal action to restrain, correct or abate a violation under this subsection. Further, commencement of a civil or criminal action under this Division must not be deemed a precondition to, and such actions must not be deemed to preclude the initiation of, an injunction, mandamus or other appropriate action.

## G. Remedies for Violations are Cumulative

The remedies provided for in this Section are cumulative and not exclusive and are in addition to any other remedies provided by law.

ARTICLE 6.

# SUBDIVISION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# DIV. 6.1. OPENING PROVISIONS

## 6.1.1. General

A. This Article is enabled by the *Code of Virginia § 15.2-2240 et seq*. and may be referred to and cited as the City of Charlottesville's "Subdivision Code".

B. Unless the requirements of this Article are complied with:

1. No person may subdivide land, including adjustment of any boundary, or vacate any subdivision plat in the City's land records;

2. No subdivision plat will be recorded in the City's land records, unless and until it has been approved and signed by the Subdivision Administrator. If a portion of the property that is the subject of a subdivision plat lies within the boundaries of Albemarle County, then no such plat may be recorded unless and until it has also been submitted to and approved by the County;

3. No person may sell or transfer any division of land before a plat has been approved and recorded as being in compliance with *Div. 6.7. Administration*, unless the division was lawfully created prior to the adoption of this Development Code. Nothing in this paragraph will prevent the recordation of the instrument by which the land is transferred or by which title passes between the parties to the instrument; and

4. The clerk of the Charlottesville Circuit Court will not file or record a plat of a division of land until the plat has been approved as provided in *Div. 6.7. Administration*.

C. For any project requiring a Subdivision Review according to *Div. 6.7. Administration*, no permit or approval will be issued or granted by any City employee, officer or agent for the construction of any building, structure or improvement upon any land, unless and until the person seeking the permit complies with the requirements of this Article.

D. This Article does not apply to divisions of land resulting from an order entered by a court of equity requiring that land be partitioned, or from the exercise of the power of eminent domain by any public agency.

E. Nothing in this Division can be construed as creating an obligation on the City to construct or pay for any improvements required by this Development Code.

## 6.1.2. Plat Requirements

### A. General Requirements

All subdivisions must meet the standards of this Article, and any of the following standards outside of this Article that are applicable, including:

1. Charlottesville Development Code:
    a. Article 4, Development Standards;
2. Code of the City of Charlottesville:
    a. Chapter 10, Water Protection;
    b. Chapter 12, Fire Prevention Code;
    c. Chapter 28, Streets and Sidewalks; and
    d. Chapter 31, Utilities;
3. Other applicable laws, ordinances, policies and requirements of the City of Charlottesville, including the Standards and Design Manual.

### B. Standards and Design Manual

1. The City maintains a set of standard drawings on file illustrating details of construction and design of streets, stormwater drainage facilities, site improvements and other elements related to the development of land in accordance with this Development Code. These drawings are contained in the Standards and Design Manual.
2. To the extent that there is a conflict between the Standards and Design Manual and any other ordinance or law, the ordinance or law will take precedence.

## 6.1.3. Phasing of Public Improvements

A. Public improvements may be constructed in phases, provided a phasing plan is approved as a part of the Subdivision Review process.

B. Each phase must stand alone, meeting all the requirements of this Development Code without the need for improvements in later phases.

## 6.1.4. Off-Site Improvement Contributions

Subdivision Review is approved on the condition that the project developer contributes a pro rata share of the cost of the following off-site improvements:

A. Each project developer must pay to the City their pro rata share of the cost of providing reasonable and necessary sewer, water and drainage improvements not located on the property, if such improvements are necessitated or required, at least in part, by the construction or improvement of the project, provided that:

1. No payment will be required until the City establishes a general sewer, water and drainage improvement program for an area having related and common sewer, water and drainage conditions and within which the property is located or the City Council has committed itself by ordinance to the establishment of such a program; and

2. The program complies with the requirements of *Code of Virginia § 15.2-2243*.

B. Each project developer may voluntarily contribute, and the City Council may accept, funds for reasonable and necessary off-site street improvements, the need for which is substantially generated and reasonably required by the construction or improvement of the project. The determination of whether the need for an improvement is substantially generated and reasonably required by the project must be made by City Council. In determining whether the need for an improvement is substantially generated by the project, the City Council must consider whether:

1. The impact of the project would create a threat to the public health, safety or welfare if not addressed by the improvement;

2. The street improvement is identified in the City's capital improvement program;

3. The street improvement is identified in the Comprehensive Plan as a needed or desired improvement; and

4. The need generated is more than an incremental effect that would otherwise result, as determined by annual population growth, vehicular traffic or other relevant criteria.

## 6.1.5. Construction Surety

A. A project developer must either:

1. Complete all site-related improvements required by this Development Code prior to issuance of the first Certificate of Occupancy for any building within a project, or

2. Execute a written agreement with the City to complete the construction of all such site-related improvements within a period of time set forth within such agreement, relative to a specified plan for phasing of the proposed project.

B. In either case, prior to issuance of any building permit, and prior to issuance of any permit authorizing any land disturbing activity within the project, the project developer must provide a financial performance guarantee for completion of the site-related improvements. Site-related improvements include any of the following: public street, curb, gutter sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement dedicated for public use and proposed to be maintained by the City or another public agency; and other improvements required by this Development Code, and to be financed by private funds, for: vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities.

C. Upon completion of required site-related improvements, a project developer must submit a Certificate of Completion prepared by a professional engineer or a land surveyor, and the project developer must also submit their own certification that all of the construction costs for the improvements, including those for materials and labor, have been paid.

D. Every Final Plat approval will be conditioned upon compliance with all of the requirements of

this Section. Prior to such final approval, the City must obtain the project developer's written acknowledgment of the obligation and applicable time period for completing construction of the site-related improvements. The obligation to complete construction of all site-related improvements in accordance with City requirements, standards and specifications, and within the applicable time period, must be backed by an adequate performance guarantee, established as follows:

1. A project developer must furnish to the City a financial guarantee, which must be one of the following:

    a. A certified check or cash escrow;

    b. A personal, corporate or property bond, with surety satisfactory to the City;

    c. A contract for the construction of such facilities and the construction contractor's bond, with like surety; or

    d. A bank or savings institution's letter of credit on certain designated funds satisfactory to the City as to the bank or savings institution, the amount, and the form.

2. Each financial guarantee must be in an amount equal to the estimated cost of construction of the site-related facilities, based on unit prices for new public or private sector construction within the City, plus a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities. The allowance must not exceed 25% percent of the estimated construction costs of site-related facilities. Every financial guarantee will be conditioned upon completion of construction of the site-related improvements in accordance with City ordinances, regulations and standards, within the time period applicable under this Section.

3. If a project developer records a Final Plat which may be a section of a subdivision as shown on an approved Preliminary Plat, and furnishes to the governing body at the same time a certified check, cash escrow, bond, or letter of credit to ensure completion of construction of site-related facilities be dedicated for public use within that section, then the subdivider has the right to record the remaining sections shown on the Preliminary Plat for a period of five years from the recordation date of the first section, or for such longer period as the City may, at the time of approval of the plat for the first section, determine to be reasonable, taking into consideration the size and phasing of the proposed project, subject to the terms and conditions of this subsection and subject further to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. The amount of the financial guarantee for site-related improvements in each subsequent section will be established, and such financial guarantee will be provided by the project developer to the City, prior to issuance of any building permit or any other permit authorizing land disturbing activity within that section.

E. The City must provide periodic partial release, and final complete release, of any bond, escrow, letter of credit, or other performance guarantee required by the City under this article, within 30 days after receipt of written notice by the project developer of completion of part or all of any public facilities required to be constructed, unless the Subdivision Administrator notifies the project developer in writing, prior to the expiration of the 30-day period, of any grounds preventing the City's approval or acceptance of the facilities and of any specified defects or deficiencies in construction and suggested corrective measures.

1. Requests for partial or final release of performance guarantees must be in writing and accompanied by as-built drawings, certified by a professional engineer licensed by the Commonwealth of Virginia, certifying that construction of the improvements and facilities that are the subject of such performance guarantees is in substantial conformity with the approved final subdivision plat and applicable City standards. An engineer's certification pertaining to construction of street improvements must also certify that on-site typical pavement sections are consistent with the approved design specifications and that standard pavement construction practices were followed.

2. Requests for partial or final release of performance guarantees must be processed by the City in accordance with the requirements of the *Code of Virginia § 15.2-2245*.

3. If the City fails to take written action within the 30-day period on a request for partial release, the request will be deemed approved and a partial release will be granted. No final release will be granted until after expiration of the thirty-day period and an additional request in writing is sent by certified mail return receipt to the City. The City will act within 10 days of receipt of any such request; if the City fails to act, then the request will be deemed approved and final release will be granted to the project developer.

F. A public improvement will be deemed to be accepted when it is formally accepted by City Council and taken over for operation and maintenance by the City, as evidenced by a resolution of City Council. Nothing in this chapter, including the approval of a Final Plat, will obligate the City to accept and take over for operation and maintenance any improvements completed by a project developer as required by this Development Code. Acceptance or approval of an improvement will be made only if the improvement satisfies all applicable statutes, regulations, ordinances, guidelines, design and construction standards for acceptance or approval of the improvement, upon completion of inspections by the City.

G. All site-related improvements required by this Development Code must be completed at the expense of the project developer, except where the project developer and the City enter into a cost-sharing or reimbursement agreement prior to Final Plat approval. The City is not obligated to maintain, repair, replace or reconstruct any improvement required by this Development Code. Nothing in this Development Code obligates the City to pay any costs arising from any improvement, unless the City has a recorded ownership interest in the improvement, evident from an inspection of the City's land records, or has otherwise agreed in writing to maintain, repair, replace or reconstruct the improvement.

# DIV. 6.2. SUBDIVISION STANDARDS

## 6.2.1. Lots

### A. General Standards

1. Lot standards apply to any divisions, re-divisions and consolidations of land, the vacation of recorded subdivision plats, and the relocation of boundary lines.
2. Lot standards do not apply when a lot is to be conveyed to the City or held in common ownership for open space, recreation or conservation purposes only, and the plat contains a notation that no building permit will be issued for the lot unless it satisfies the lot requirements of this Division and the building permit is consistent with open space, recreation or conservation uses.
3. No lot may contain peculiarly shaped elongations designed solely to meet the required lot area or width required by the zoning district.
4. Remnants must not be created by the subdivision of land. All existing remnants must be eliminated when land is subdivided or re-subdivided.
5. Side lot lines of each lot must be approximately at right angles or radial to the street lot line, except turnaround terminal points.
6. When a lot is subdivided into sublots, the Final Plat must record the lot and each sublot contained on the lot.

### B. Lot Frontage

1. A lot must have a frontage on a public or private street that meets the requirements of this Development Code and the Standards and Design Manual.
2. A sublot is not required to abut a primary street, side street, or alley but must abut a permanent access easement that is approved by the Fire Marshal and meets one of the following standards:
   a. Vehicle access easement of at least 10 feet in width for a maximum length of 150'; or
   b. Pedestrian access easement of at least 6 feet in width.

### C. Lot Dimensions

1. A lot must conform to the minimum requirements of the applicable zoning district.
2. A sublot is not required to conform to the dimensional requirement of the applicable zoning district.

## 6.2.2. Easements

A. Platted easements and deeded easements must be provided in locations and dimensions required by the City in order to:

1. Allow for adequate storm drainage facilities;
2. Allow for proper installation of water and sewer lines, whether immediately proposed or necessary for adequate service in the future;
3. Allow for cross-access between properties;
4. Allow for adequate pedestrian and bicycle access;
5. Allow for adequate right-of-way for street types;
6. Allow for adequate public access; and
7. Allow for adequate slope for roadway construction.

B. Easement widths are specified by the Standards and Design Manual as necessary to accommodate existing and future needs as well as construction and repair of facilities. For drainage easements, the widths must be sufficient to accommodate areas anticipated to be inundated by stormwater.

## 6.2.3. Subdivision Monuments

A. All boundaries, both exterior and interior, of the original survey for the subdivision must have monuments in accordance with the Standards and Design Manual.

B. No monuments other than those required by this Section will be required to be set before recordation of the Final Plat or the conveyance of land by reference to plat if the professional engineer or land surveyor includes in their certification on the plat that any additional monuments required by this Section will be set on or before a specified later date.

C. The setting of any monument at any time after recordation of the Final Plat will be established both at law and in equity, at prorated positions as determined from direct re-measurements between the established monuments of record rather than as precisely stated or shown on the recorded plat.

D. The subdivider will be responsible for resetting any monument on the property that is damaged, disturbed or destroyed during construction of any improvements required by this Development Code.

## 6.2.4. Tax Verification

Prior to final approval of a subdivision plat, the City will require the subdivider to produce satisfactory evidence that any delinquent real estate taxes, liens and charges owed to the City have been paid.

# DIV. 6.3. **BLOCKS AND CONNECTIVITY**

For requirements see *Div. 4.3. Blocks and Connectivity*.

# DIV. 6.4. **STREETS**

For requirements see *Div. 4.4. Streets*.

# DIV. 6.5. **UTILITIES**

For requirements see *Div. 4.6. Utilities*.

# DIV. 6.6. FEES AND DEDICATIONS

## 6.6.1. Dedication of Infrastructure for Public Use

A. A project developer must dedicate to the City for public use every easement and right-of-way located within the project, which has constructed or proposed to be constructed any public street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement dedicated for public use and to be maintained by the City or another public agency, as follows:

1. The City Council is not required to compensate the project developer for any dedicated land or improvements.

2. The land and improvements to be dedicated must be set apart on the Final Plat and must be identified by a note on the plat stating that the land is dedicated for public use.

3. When a project abuts one side of an existing or platted street, the project developer must dedicate at least 1/2 of the right-of-way necessary to make the street comply with the minimum width required for the street as designated in the Standards and Design Manual.

B. A project developer must dedicate to the City for public use all water and sewerage facilities designed, constructed and approved to be dedicated as public water and sewerage systems, and will require each project developer to establish an easement on the land for such facilities, extending to any abutting property owned by the project developer, if the facilities are required by this Development Code, as follows:

1. The City Council is not required to compensate the project developer for the dedicated facilities or the establishment of any easement.

2. The facilities to be dedicated and any easement to be established must be specifically identified and set apart on the Final Plat and must be identified by a note on the plat stating that the facilities are dedicated to, and the easement is established for, the City of Charlottesville.

3. All Final Plats containing proposed public easements must expressly reference a declaration of the terms and conditions of such public easements recorded with the subdivision plat in the City's land records.

C. A project developer must establish easements for facilities for stormwater management and drainage control, as follows:

1. An easement for all stormwater management facilities and drainage control improvements located on the property must be established whenever the improvement is designed and constructed beyond a street right-of-way or access easement and must extend from all drainage outfalls to an adequate channel that satisfies minimum standards established by the Virginia Department of Environmental Quality or the State Water Control Board, to the boundary of the property.

2. An easement must be established along every natural stream, natural drainage area to be preserved, and every man-made waterway located on the property.

3. The area of each required easement must be sufficient, as determined by the Subdivision Administrator, to:

    a. Accommodate the facilities and the drainage characteristics from each drainage outfall from a drainage control;

    b. Allow access to a natural stream or man-made waterway to allow widening, deepening, relocating, improving, or protecting the natural stream or man-made waterway for drainage purposes; and

    c. Meet applicable standards and requirements set forth within Water Protection, Chapter 10 of the Code of the City of Charlottesville and the Standards and Design Manual.

4. Each required easement must include a right of ingress and egress for installation, maintenance, operation, repair and reconstruction of any improvement within the easement. The Subdivision Administrator may require that an easement be provided through abutting land under the same ownership as the project.

5. The City Council is not required to compensate the project developer for any easement or any improvements within the easement.

6. All Final Plats containing proposed public easements must expressly reference a declaration of the terms and conditions of such public easements recorded with the subdivision plat in the City's land records.

7. No easement will be considered part of any required street width.

## 6.6.2. Dedication of Land for Public Use

A project developer may dedicate to the City any land within the project that is suitable for parks, open space, stormwater management facilities and other public facilities, utilities and other public or semipublic uses, as follows:

A. The City Council is not required to compensate the project developer for the land dedicated if the dedication is a gift, required by a proffer as part of a conditional rezoning, required as a condition of a special use permit, variance or other approval, or if the need for the land is substantially generated by the project. The determination of whether the need for land is substantially generated by the project will be made in the manner prescribed by *6.6.1. Dedication of Infrastructure for Public Use*.

B. Land dedicated under this Section must be set apart on the Final Plat and identified by a note on the plat stating that the land is dedicated for public use. The proposed dedication will be subject to review as to consistency with the City's Comprehensive Plan, as required by *Code of Virginia § 15.2-2232*.

C. A project developer's proposed dedication of a stormwater management facility must be reviewed and governed by the provisions of Water Protection, Chapter 10 of the Code of the City of Charlottesville. No such dedication will be accepted unless and until the City receives a financial guarantee, in the form of a bond or like surety, in an amount sufficient for and conditioned upon the construction of such stormwater management facilities in accordance with the standards and requirements set forth within Chapter 10 and the Standards and Design Manual.

## 6.6.3. Reservation of Land

A project developer may reserve for future dedication to the City a part of the property suitable for parks, schools, open space and other public facilities, utilities and other public or semipublic uses, as follows:

A. The City Council is not required to compensate the project developer for the reservation of land if the dedication is a gift, required by a proffer as part of a conditional Zoning Map Amendment, required as a condition of a Special Use Permit, Variance, or other approval, or if the need for the land is substantially generated by the project. The determination of whether the need for land is substantially generated by the project will be made in the manner prescribed by *6.6.1. Dedication of Infrastructure for Public Use*.

B. Land reserved under this Section must be set apart on the Final Plat and identified by a note on the plat stating that the land is reserved for future dedication for public use.

C. The project developer may petition the City Council to release a reservation if the land is not used for a public purpose, using the procedure set forth within *Div. 6.7. Administration*.

D. Nothing in this Section precludes land being reserved for a public use which is not included in the Comprehensive Plan, provided the land is acceptable to the City for reservation.

## 6.6.4. Transfer of Land Ownership

The recording of an approved Final Plat and deed of dedication will transfer dedicated land and establish certain easements, as follows:

A. Recordation will operate to transfer, in fee simple, to the City that portion of the land set apart on the plat and dedicated for public use.

B. Recordation will operate to transfer to the City any easement set apart on the plat and dedicated to public use to create a public right of passage over the property.

C. Recordation will operate to transfer to the City, in fee simple, the water and sewer facilities, and related easements, set apart on the plat and dedicated for public use.

D. Recordation will operate to terminate and extinguish all rights-of-way, easements or other interests of the City in the property not shown on the plat, except that an interest acquired by the City by eminent domain, by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of the *Code of Virginia § 15.2-2271 or 2272*.

E. Recordation will not constitute acceptance of any improvement by the City.

# DIV. 6.7. ADMINISTRATION

## 6.7.1. Authority

### A. Subdivision Administrator

#### 1. General

a. The Subdivision Administrator serves as the administrator of provisions of this Development Code pertaining to the subdivision of land, including Subdivision Review (*Div. 6.7. Administration*).

b. The Director of Neighborhood Development Services is designated as the Subdivision Administrator.

c. The Subdivision Administrator may designate any other City official or staff member as their designee in any function assigned by this Development Code to the Subdivision Administrator. The Subdivision Administrator remains responsible for any action taken by their designee.

#### 2. Authority

a. **General**

The functions and duties of the Subdivision Administrator under this Development Code include:

i. Administration of provisions of this Development Code pertaining to the subdivision of land;

ii. Delegation of any act authorized by this Development Code to be carried out by the Subdivision Administrator to an appropriate designee;

iii. Enforcement of the provisions of this Development Code pertaining to the subdivision of land; and

iv. Provision of expertise and technical assistance to the Planning Commission.

b. **Review Authority**

The Subdivision Administrator is responsible for review and recommendation regarding Preliminary Plats.

c. **Approval Authority**

The Subdivision Administrator is responsible for final action regarding Subdivision Review.

## 6.7.2. Common Review Procedures

See *5.2.1. Common Review Procedures* for typical procedures for the administration of this Article.

# 6.7.3. Subdivision Review

## A. Applicability

Subdivision Review applies to any division of land for the purpose of sale, lease, or development and boundary line adjustments.

## B. Application Requirements

### 1. Pre-Application Conference

Before submitting a Subdivision Review application, an applicant must schedule a pre-application conference with the Subdivision Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Subdivision Administrator.

### 2. Application Submittal

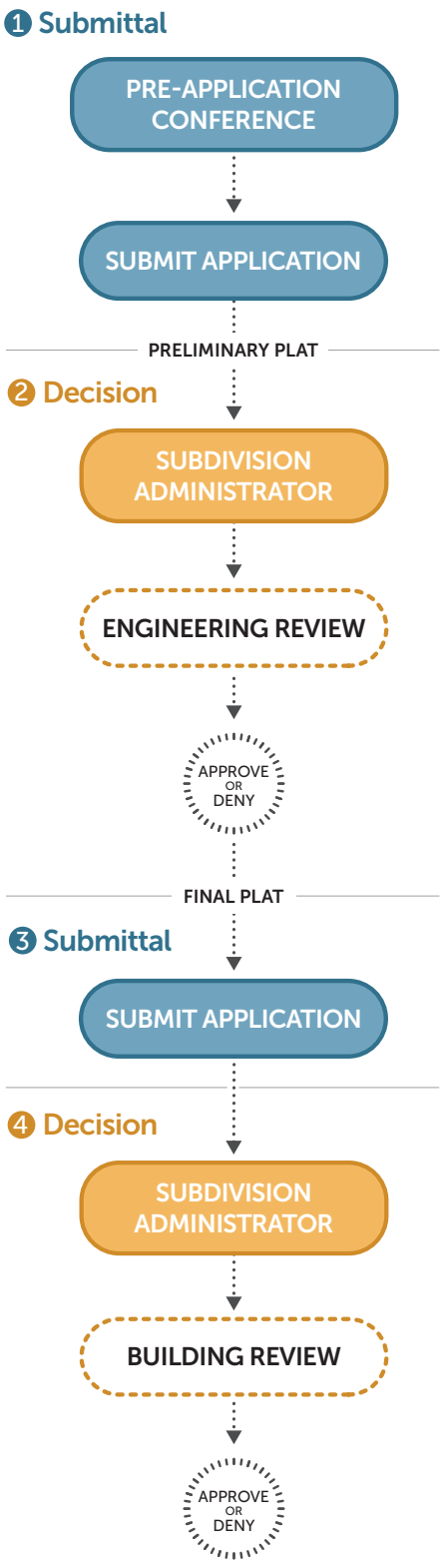
a. The required documents and drawings for Subdivision Review are contained in the Development Review Administration Manual.

b. Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Subdivision Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

## C. General Subdivision Review Process

1. Subdivision Review may consist of two separate approvals, a Preliminary Plat and Final Plat. A Preliminary Plat is voluntary and a Final Plat is required for all projects that require Subdivision Review.

2. For projects submitting a Preliminary Plat and Final Plat, an applicant may first get Preliminary Plat approval and engineering approval in order to start site work and infrastructure construction, and then get Final Plat approval and building approval in order to start building construction. Preliminary and Final Plat reviews include requirements of this Development Code, and engineering and building reviews include requirements of separate chapters of the City of Charlottesville Code and the Standards and Design Manual.



3. Anything regulated by this Development Code will be reviewed for compliance by the Subdivision Administrator, with additional review by other City departments.

## D. Preliminary Plat Review

### 1. Review and Decision Process

#### a. Subdivision Administrator Decision

i. Once the Subdivision Administrator determines the application is complete, the Subdivision Administrator will notify the Planning Commission of the application and review the application against the requirements of this Development Code and other applicable technical requirements of the City.

ii. In reviewing the application, the Subdivision Administrator will distribute the application for consultation and review by other City departments.

iii. When the property is within an ADC District, HC District, or an Individually Protected Property, a Certificate of Appropriateness may also be required. See *5.2.7. Major Historic Review* and *5.2.7. Major Historic Review*.

iv. If, after the internal review, the Subdivision Administrator finds that the application does not meet all requirements of this Development Code, the Subdivision Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the Preliminary Plat.

v. Following review, the Subdivision Administrator will approve, approve with conditions, that bring the application into conformance with this Development Code and other technical requirements of the City, or deny the application.

#### b. Planning Commission Decision

i. The Planning Commission will to decide on a Preliminary Plat when:

a) The Administrator refers the application to the Planning Commission for review;

b) Two or more members of the Planning Commission request to review the application; or

c) The application is the subject of an appeal from a decision by the Administrator, as allowed by this Section.

ii. When Planning Commission decides on a Preliminary Plat, the Subdivision Administrator will review the application and provide a staff report and recommendation to Planning Commission in advance of the meeting. Prior to the preparation of the staff report, other City staff may make recommendations to the Subdivision Administrator to include in the staff report.

### 2. Action After the Decision

#### a. Appeal of Administrative Decision

The applicant may appeal a decision of denial, or failure of the Subdivision Administrator or Planning Commission to approve or deny the application, to the Circuit Court in accordance with the *Code of Virginia § 15.2-2259*.

#### b. Expiration of a Preliminary Plat

Once a Preliminary Plat is approved, it is valid for a period of 5 years with certain requirements, as specified in the *Code of Virginia § 15.2-2260.*

## E. Engineering Review

### 1. Review and Decision Process

a. Upon approval of a Preliminary Plat, applications for review and approval of infrastructure permits required by separate chapters of the City of Charlottesville Code and the Standards and Design Manual may be prepared and submitted.

b. The Subdivision Administrator will not sign any Final Plat, unless and until final plans and approvals required by the City Code of Ordinances Chapter 10, Water Protection have been obtained.

## F. Final Plat Review

### 1. Review and Decision Process

#### a. Subdivision Administrator Decision

i. The Subdivision Administrator will review the Final Plat for compliance with the requirements of this Development Code in effect at the time of Preliminary Plat approval, except as authorized by *Code of Virginia § 15.2-2261.* The Subdivision Administrator must make a good faith effort to identify all deficiencies, if any, during the review of the first Final Plat submittal. The Subdivision Administrator must consider the recommendations and determinations made by the plat reviewers.

ii. If the Subdivision Administrator determines that the Final Plat complies with the requirements of this Development Code and that all conditions of approval of the Preliminary Plat have been satisfied, the Subdivision Administrator will sign the Final Plat.

iii. If the Subdivision Administrator determines that the Final Plat does not comply with all requirements of this Development Code or that all conditions of approval of the Preliminary Plat have not been satisfied, the Final Plat will be denied and the Subdivision Administrator will promptly inform the project developer of the denial by issuing a notice of denial to the subdivider.

## 2. Action After Decision

### a. Permits for Construction

Upon approval of a Final Plat, any applicable permits for construction required by the City Code of Ordinances Chapter 5, Building Regulations; Property Maintenance may be prepared and submitted.

### b. Appeal of Administrative Decision

The applicant may appeal the decision on denial, or failure of the Subdivision Administrator to approve or disapprove the application, to the Circuit Court in accordance with the *Code of Virginia § 15.2-2259*.

### c. Expiration of a Final Plat

i. Once a Final Plat is approved and the subdivider has recorded the plat, it is valid for at least 5 years, as specified in the *Code of Virginia § 15.2-2261*. Unless a plat is recorded within the City's land records within 6 months after final approval, approval will be deemed withdrawn and the plat will be marked void and returned to the Subdivision Administrator; however, if construction of any facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the City, the time for plat recordation will be extended to one year after final approval, or the time limit specified in the approved surety agreement, whichever is greater.

ii. By application of the subdivider filed prior to expiration of a final recorded plat, the Subdivision Administrator may grant an extension of its approval for additional periods as the authority may, at the time the extension is granted, determine to be reasonable in accordance with the provisions of the Code of Virginia § 15.2-2261.

### d. Revisions to an Approved Subdivision

i. By application of the subdivider, during the period of validity of a recorded plat the Subdivision Administrator may approve minor modifications to such plat, including, without limitation, any modification that eliminates, relocates or otherwise alters one or more lot lines; provided, however, that the proposed modification does not involve the relocation or alteration of any streets, alleys, easements for public passage or other public areas, and provided further that no utility easements or rights-of-way are relocated or altered.

ii. An application for any such modification made during the period of validity of the plat will not constitute a waiver of any rights of the subdivider existing on the date of approval of the Final Plat, and the approval of any such modification will not extend the period of validity of the original Final Plat. A modified Final Plat must signed by the owner of all land that is the subject of such plat.

iii. Nothing in this Section limits the right of an owner to apply to vacate a subdivision plat or any part thereof, or to apply for a boundary line adjustment as authorized by this Development Code.

e. **Vacation of a Plat**

i. A recorded plat or any part thereof may be vacated pursuant to *Code of Virginia § 15.2-2271 through 15.2-2274.* The clerk of the circuit court in whose office any vacated plat has been recorded must write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated," and must also make a reference on the vacated plat to the volume and page in which the instrument of vacation is recorded.

ii. Where no lot has been sold within a subdivision, the recorded plat, or part thereof, may be vacated according to either of the following methods:

a) Administratively, with the consent of both the Subdivision Administrator and Director of Public Works. Any such vacation must be accomplished only by a written instrument, declaring the plat, or part thereof, to be vacated, and such written instrument must be approved and signed by the City Attorney. Recordation of such written instrument must operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat.

b) By ordinance of City Council, provided that no facilities for which bonding is required pursuant to *Code of Virginia § 15.2-2241 through 2245* have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within 5 years of the date on which the plat was first recorded.

iii. In cases where any lot has been sold within a subdivision, the recorded plat, or part thereof may be vacated in accordance with *Code of Virginia § 15.2-2272*. Any written instrument or ordinance vacating a plat pursuant to *Code of Virginia § 15.2-2272* will operate to destroy the force and effect of the recording of the plat or part thereof so vacated, as set forth within *Code of Virginia § 15.2-2274.*

## G. Criteria for Boundary Line Adjustments

1. The boundary lines of any lot or parcel of land may be vacated, relocated, or otherwise altered by recordation of a deed or boundary line adjustment plat, without vacation of a recorded plat, provided that no easements or utility rights-of-way located along any lot lines to be vacated may be extinguished or altered without the express consent of all persons holding any interest therein, and such consent must be evidenced by the signatures of such persons on the deed.

2. The action must not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. The deed reflecting the boundary line adjustment will reference the recorded plat by which the applicable lot lines were originally created, and the deed must be approved in writing, on its face, by the City Attorney.

3. The lots affected by a boundary line adjustment must have been:

a. Part of an otherwise valid and properly recorded and approved subdivision plat; or

b. Part of a properly recorded deed prior to the adoption of the first subdivision code of the City that required an approved subdivision plat under the applicable circumstances.

## 6.7.4. **Variations**

A. Whenever this Article contains provisions for variation or exception to a requirement, the Subdivision Administrator or Planning Commission in considering a request for a variation or exception, will consider whether, because of unusual size, topography, shape of the property, location of the property or other unusual conditions (excluding the proprietary interests of the subdivider) the requirement that is proposed to be varied or excepted would result in substantial injustice or hardship and would not forward the purposes of this chapter or serve the public interest.

   1. In approving any such request, the Subdivision Administrator must find that adherence to the requirements would result in substantial injustice or hardship, and that granting the waiver would not be detrimental to the public health, safety or welfare or to the orderly development of the area.

   2. Prior to varying or granting an exception to a provision of this chapter, the Subdivision Administrator must obtain a written opinion of the City's fire code official as to whether the requested waiver can be accommodated within the applicable requirements of the Virginia Statewide Fire Prevention Code (VSFPC).

   3. Prior to varying or granting an exception to a provision of this chapter involving utilities, the Subdivision Administrator must obtain a written opinion of the City's Director of Public Works as to whether the requested waiver can be accommodated within applicable regulations, specifications and ordinances governing utilities.

   4. A subdivider may appeal the Subdivision Administrator's decision to deny a variation or exception request to the Planning Commission. In reviewing the request, the Planning Commission may approve or disapprove the request based on the applicable findings set forth in this Section.

B. A request for a variation or exception may be made either prior to or contemporaneous with submittal of a Preliminary or Final Plat.

# DIV. 6.8. **ENFORCEMENT**

## 6.8.1. General

For general requirements see *Div. 5.4. Enforcement*.

## 6.8.2. Remedies and Penalties for Subdivision

A. The remedies provided for in this Section are cumulative and not exclusive and are in addition to any other remedies provided by law.

B. Any person, whether as principal, agent, employee, or otherwise, who violates any provision of *Article 6. Subdivision* will be subject to a fine of not more than $500.00 for each lot so divided, transferred or sold. The description of a lot by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring title in violation of the requirements will not exempt the transaction from the remedies and penalties provided by this Section.

ARTICLE 7.

# GENERAL STANDARDS AND DEFINITIONS


**Div. 7.1. General Standards . . . . . 7-2**

7.1.1. General Rules of Interpretation . . . . . 7-2

7.1.2. General Terminology and Measurements . . . . . 7-5

**Div. 7.2. Definitions . . . . . 7-11**

# DIV. 7.1. GENERAL STANDARDS

## 7.1.1. General Rules of Interpretation

### A. More Restrictive Rules Apply

The following rules apply in the interpretation of the City's zoning district regulations and standards:

1. Where the standards specified in this Chapter are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, then the more restrictive or higher standard governs.

2. If any regulation or standard specified in this Chapter as being applicable to any use, structure, activity, or undertaking conflicts with any other regulation or standard set forth here, then the more restrictive or higher standard governs.

### B. References to Virginia Code

All references within this Chapter to specific titles, chapters, articles and sections of the Virginia Code refer to those in effect on the effective date of this Chapter, and will also be construed as references to successor titles, chapters, articles and sections *mutatis mutandis*.

### C. Internal References

References to terms "Article," "Division," or "Section" include the Article, Division, or Section referred to and any further subsections contained in that portion of this Development Code.

### D. Headings, Illustrations, and Text

In the case of any difference of meaning or implication between the text of the Code and any heading, drawing, table, figure, or illustration, the text controls.

### E. Lists and Examples

Unless otherwise specified, lists of terms or examples that use terms such as "including," "such as," or similar language are intended to provide examples, and are not to be considered exhaustive lists of all possibilities.

### F. Computation of Time

References to days are calendar days, unless otherwise stated. The time when an act is to be done must be computed by excluding the first day and including the last day. Where the last day is a Saturday, Sunday, or holiday that is observed by the City, that day is excluded.

### G. References to Other Regulations, Publications, and Documents

Wherever reference is made to a resolution, ordinance, statute, regulation, or document, it will be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulations, or document, unless otherwise specified.

## H. References to Public Officials, Bodies, and Agencies

References to public officials, bodies, and agencies are those of the City, unless otherwise indicated.

## I. References to Administrator

Wherever reference is made to the "Administrator", it will be construed as a reference to either the Administrator (*5.1.6. Administrator*) or Subdivision Administrator (*5.1.6. Administrator*), whichever is the applicable authority to administer that portion of this Development Code or particular requirement.

## J. Delegation of Authority

Wherever a provision appears in this Development Code that requires an administrator, officer, or employee of the City to perform an act or duty, the provision will be construed to authorize the administrator, officer, or employee to delegate that responsibility to others over whom they have authority.

## K. Terms

### 1. In General

#### a. Technical and Non-Technical Terms

Words and phrases will be construed according to the common and approved usage of English, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law will be construed and understood according to such meaning.

#### b. Mandatory and Discretionary Terms

The words "will," "can," and "must" are mandatory terms. The words "may," and "should" are advisory and discretionary terms.

#### c. Conjunctions

Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows:

i. The term "and" indicates that all connected terms, conditions, provisions, or events apply; and

ii. The term "or" indicates that one or more of the connected terms, conditions, provisions, or events may apply.

#### d. Tenses and Plurals

Words that are used in one tense, being past, present, or future, include all other tenses, unless the context clearly indicates otherwise. The singular includes the plural, and the plural includes the singular.

#### e. Numbers

A word importing the singular number may extend and be applied to several persons or things as well as to one person or thing. A word importing the plural number may extend and be applied to one person or thing as well as to several persons or things.

## 2. Specific Terms

### a. "Person"

The word "person" includes an individual, firm, a partnership, a corporation, or any other legal entity.

### b. "Use" and "Used"

The phrase "used for" includes "arranged for," "designated for," "intended for," "maintained for," and "occupied for." The term "use" as a verb will be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented, or leased to be used."

# 7.1.2. General Terminology and Measurements

## A. Encroachments

*A structure or assembly that extends horizontally or vertically into a space where structures or assemblies are typically not allowed.*

### 1. General

Modifications to existing structures may encroach beyond the limitations of the zoning district only where such limitations prohibit compliance with ADA Standards or the Fire Code. When greater encroachments are necessary, the encroachment must extend the minimum amount necessary to achieve compliance with the following standards.

### 2. Horizontal Encroachments

#### a. Architectural Details

Building elements not intended for human occupation attached to or integrated into the structure of a building including elements designed for environmental benefits. Examples include cornices, belt courses, sills, lintels, pilasters, pediments, chimneys, and solar shades.

#### b. Roof Projections

Roof elements that overhang or cantilever beyond the footprint of a building and do not include posts or columns. Examples include eaves, roof overhangs, gutters, awnings, and canopies.

#### c. Unenclosed Structures: Ground Story

Unenclosed structures having all finished floors and ground surfaces at or below the maximum finished floor elevation of the ground story listed in the zoning district and having a total structure height less than 15 feet, measured from finished grade. Examples include porches, decks, stoops, landing platforms, gazebos, trellises, arbors, pergolas, basketball hoops, and volleyball nets.

#### d. Unenclosed Structures: Upper Story

Unenclosed structures having finished floors or ground surfaces above the maximum finished floor elevation of the ground story listed in the zoning district or having a total structure height of 15 feet or greater, measured from finished grade. Examples include balconies, upper-story light shelves, and exterior stairways.

#### e. Enclosed Structures: Projecting

Enclosed structures that overhang or cantilever beyond the footprint of the building that have a cumulative length less than 25% of the width of the building facade. Examples include bay windows, sleeping porches, doorway vestibules, overhanging volumes, and enclosed balconies.

f. **Mechanical and Electrical Equipment: Ground Mounted**

Equipment supported by the ground related to publicly- or privately-owned or operated systems. Examples include transformers, gas meters, water softeners, generators, pool equipment, HVAC equipment, water utility devices, gas tanks, cisterns, wind turbines, and solar panels.

g. **Mechanical and Electrical Equipment: Wall Mounted**

Equipment attached to a wall related to publicly- or privately-owned or operated systems. Examples include gas meters, electric meters, electrical or utility cabinets, water heaters, and internet or cable boxes.

h. **Waste Enclosure**

Waste areas and their required screening structures. Examples include trash compactors, garbage, recycling, and food waste.

### 3. Vertical Encroachments

a. **Architectural Elements**

Building elements not intended for human occupation attached to or integrated into the top of a building. Examples include chimneys, skylights, steeples, spires, belfries, cupolas, domes, flagpoles, and lighting.

b. **Safety Barriers**

Vertical barriers used for safety and protection. Examples include fences, walls, parapets, and railings.

c. **Vertical Circulation**

Enclosed structures used for building circulation and rooftop access. Examples include elevator rooms and associated equipment and stair access to the roof.

d. **Unenclosed Structures**

Unenclosed structures attached to or integrated into the roof of a building, intended for human shelter or activity. Examples include shade structures, cabanas, pergolas, rooftop bars, outdoor dining, permanent seating, beehives, sports courts, and cooking facilities.

e. **Mechanical and Electrical Equipment**

Equipment supported by a roof related to publicly- or privately-operated systems. Examples include HVAC equipment, cisterns, water tanks, wind turbines, solar panels, solar water heaters, exhaust ducts, smokestacks, communication equipment, satellite dishes, ventilation fans, flues, vent stacks, and generators.

f. **Flatwork**

Constructed objects 2.5 feet in height or less. Examples include decking, walkways, patios, and planters.

g. **Vegetation**

Living organisms, absorbing water and organic substances through its roots and synthesizing nutrients. Examples include trees, shrubs, flowers, herbs, vegetables, grasses, ferns, mosses, and associated planters and raised beds.

## B. Frequency

*The rate at which something occurs or is repeated over a given distance.*

### 1. Measurement

a. Spacing frequency is a ratio measured as the number of required occurrences of an object over a specified distance.

i. Occurrences of an object are measured as the total quantity of a required object located within the specified distance.

ii. Specified distance is measured horizontally.

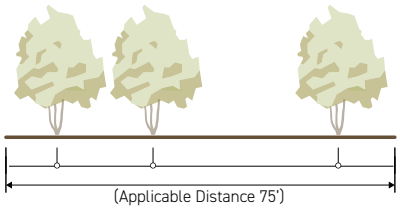
b. To calculate the number of required objects over a provided distance, divide the required occurrences of an object by the specified distance, then multiply by the applicable distance.

c. When calculating the number of required objects results in a fraction, any fraction greater than 0.5 will be rounded up to the nearest whole number and any fraction 0.5 or less will be rounded down to the nearest whole number, so long as at least one occurrence is provided.

d. Frequency standards allow for irregular spacing.

EXAMPLE

(Occurrences)
**Frequency: 1 per 30'**
(Distance)




FORMULA

$$\frac{\text{Required Occurrence (1)}}{\text{Specified Distance (30')}} \times \text{Applicable Distance (75')} = \textbf{Required Occurrences} \text{ (2.5 rounded to 2)}$$

## C. Project Activity

### 1. Subdivision

Any division or consolidation of parcels into two or more parcels for the purpose of transfer of ownership or building development, including a boundary line adjustment.

### 2. New Construction

a. Any activity that includes the construction of a new building or structure.

b. Includes relocation of an existing structure to another location on the lot, or to any other lot. Relocation of an existing structure includes any activity that lifts any portion of the building off its foundation.

3. **Addition**

   a. Any expansion of an existing building or structure that is less than the footprint of the existing building or structure, up to 25,000 square feet of new floor area. Includes activity that increases the floor area or the height of an enclosed space within an existing building.

   b. Any expansion that exceeds the thresholds above is considered new construction.

4. **Site Modification**

   a. Any modification of an existing site that affects less than 50% of the existing site area, up to 25,000 square feet of affected site area.

   b. Any site modification that exceeds the thresholds above is considered new construction.

5. **Facade Modification**

   Any change to the exterior envelope of a building that affects more than 250 square feet of facade area. Facade modifications include changes to any of the following:

   a. The facade of a building;

   b. The amount of exterior foundation wall that is exposed above finished grade; or

   c. An architectural element including a balcony, porch, or deck attached to a facade.

6. **Change of Use**

   a. Any change in use or a modification of an area designed and intended for a specific use from the previously approved use.

   b. Includes a change in the principal use of any portion of a building or lot from one of the uses specified in *Article 3. Use Regulations* to another.

   c. Includes the expansion of floor area, site area, or lot area dedicated to a use or an increase in the intensity of a use, such as an increase in seating capacity or the number of persons in care.

7. **Renovation**

   a. Any modification to an existing building or structure that does not expand the building or structure and does not exceed the following:

      i. Removal of up to 50% of the perimeter wall framing;

      ii. Removal of up to 50% of the roof framing; or

      iii. Removal of up to 50% of the structural members.

   b. Any modification that exceeds the thresholds above is considered new construction.

### 8. Maintenance and Repair

a. Activity done to correct the deterioration, decay of, or damage to, any part of a building, structure, or lot, that does not involve a change or modification of the existing design, outward appearance or applicable zoning requirements.

b. In-kind replacement of deteriorated or damaged parts of a building is considered maintenance and repair.

c. Maintenance and repair includes repair of site components such as parking lots or landscaping, but does not include resurfacing of an existing parking lot.

d. Includes any modification to meet fire, life safety, and ADA requirements.

## D. Residential and Nonresidential Uses

### 1. Residential Uses

*Include all permitted uses listed in the residential category of the use table - see 3.2.2. Permitted Use Table.*

### 2. Nonresidential Uses

*Include all permitted uses not listed in the residential category of the use table - see 3.2.2. Permitted Use Table.*

## E. Site, Lot, and Sublot Designation

### 1. Site

*A single lot or group of connected lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.*

a. A site must abut a primary street.

### 2. Lot

*A parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon.*

a. A lot must abut a primary street.

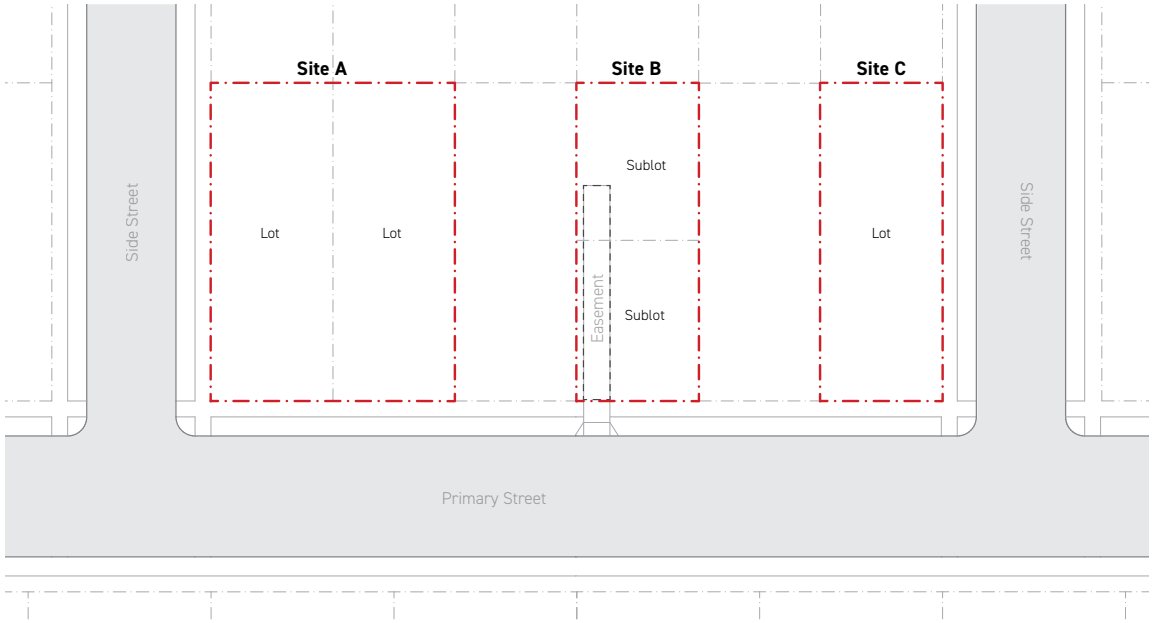
b. A lot must meet the requirements of the zoning district.

### 3. Sublot

*A parcel of land, existing with other sublots on a single lot, intended for the purpose of the transfer of ownership or possession or for development.*

a. Sublots are only permitted in Residential (R-) districts.

b. A sublot is not required to abut a primary street, side street, or alley but must abut a permanent access easement that meets the requirements of *Article 6. Subdivision*.




## F. Walking Distance

*Distance measured as the most direct path of travel for a pedestrian.*

1. Walking distance is measured horizontally along the most direct route of travel on the ground in the following manner:

   a. Starting at the nearest street-facing entrance accessible to the majority of tenants or residents on the subject lot;

   b. In a straight line to the nearest public sidewalk, walkway, street, or road;

   c. Along a sidewalk, walkway, street, or road; and

   d. In a straight line ending at the nearest pedestrian access point to the destination use.

# DIV. 7.2. **DEFINITIONS**

## A

**Abut or abutting.** To touch or have a common boundary with, or being separated only by a right-of-way, alley, or easement.

**Access.** A means of approaching or entering a place.

**Active depth.** See *2.10.10. Massing*.

**Active space.** Any occupiable space designed and intended for living, sleeping, eating, or cooking. Restrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered active space.

**Addition.** See *7.1.2.C. Project Activity*.

**"AE" zone.** The areas shown on the City's FIS/FIRM as areas for which BFEs have been provided and the floodway has not been delineated.

**Alley.** A public or private accessway used primarily for vehicular service to the back or side for properties that front along a street.

**Amphitheater.** Place of open-air assembly, consisting of a central space or stage for performers, which may be open to the sky or partially covered or enclosed, with tiered or sloped seating arranged in a semi-circular pattern in relation to the performance area.

**Amusement center.** Any establishment, business, or location with more than 3 mechanical, electrical, or electronic devices used for entertainment or as games, by the payment of money to activate, and any business containing more than one billiard table for use by patrons of the business. Establishments with jukeboxes, rides, and bowling alleys may or may not be considered an amusement center.

**Amusement enterprise.** Any circus, carnival, or similar transient show or entertainment.

**Appeal.** A request for review of an administrative official's or decision-making body's interpretation or decision made under this Development Code.

**Appurtenance.** A feature or structure attached to a building that is used for or in connection with a building, incidental to such building and for its benefit.

**Awning.** A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid material on a supporting framework.

## B

**Base flood.** The flood having a 1% chance of being equaled or exceeded in any given year. Also known as "regulatory flood," the "100-year flood," and the "1%-annual-chance flood".

**Base flood elevation (BFE).** The water surface elevations of the base flood in relation to the datum specified on the FIS/FIRM. This is the flood that has a 1% or greater chance of occurrence in any given year.

**Basement.** An occupiable portion of a building located below a ground story.

**Bicycle Room.** A locked bicycle parking area that has been walled off to prohibit access by the general public and include bicycle racks that provide a means of securing the bicycle to a securely anchored rack.

**Block.** A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights-of-way, centerlines of waterways, or corporate boundary lines of the City.

**Block face.** All lots abutting both sides of a street between two intersecting streets.

**Boundary line adjustment.** Where one or more lot lines are relocated or altered so that the land exchanged is added to and becomes part of an existing lot and no additional lots are created.

**Build-to zone.** The area between the minimum and maximum setback required by the zoning district.

**Building.** A covered and enclosed structure, either temporary or permanent, intended for human occupation or shelter of animals or property of any kind.

**Building, accessory.** A building or structure subordinate to the principal structure on a lot and used for purposes incidental to the principal building or structure located on the same lot.

**Building, elevated.** When used within the City's floodplain management regulations, a non-basement building constructed so that its lowest story is elevated above grade by means of solid foundation perimeter walls, pilings, posts, or piers.

**Building, primary.** The building occupied or designated for the primary use.

**Building coverage.** See *2.10.4. Coverage*.

**Building module.** Sub-areas of a building footprint used in the building module method to determine building height and average grade.

**Building permit.** The approval required under the Uniform Statewide Building Code in connection with construction of a building or structure.

## C

**Caliper.** A measurement of tree size, determined by measuring the diameter of the tree at a point 6 inches above the root ball at the time of planting, or 12 inches above the ground for established trees.

**Canopy.** A permanent, roof-like structure of rigid materials supported by and extending from a building, including marquees and porte cocheres.

**Certificate of occupancy.** The approval required under the Uniform State Building Code prior to the use or occupancy of certain buildings and structures.

**Change of Use.** See *7.1.2.C. Project Activity*.

**City.** The City of Charlottesville, Virginia.

**Clear walk zone.** The area between the street lot line and the greenscape zone, and generally consists of a sidewalk.

**Commission.** The Planning Commission for the City of Charlottesville.

**Comprehensive Plan.** The plan prepared and adopted in accordance with the requirements of the *Code of Virginia § 15.2-2223* to guide and accomplish a coordinated, adjusted, and harmonious development of land within the City in a manner that will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the City's inhabitants.

**Contributing structure.** A building or structure located within a Architectural Design Control District, Historic Conservation District, or Individually Protected Property that, by location, design, setting, materials, workmanship, feeling, or association adds to the District's sense of time and place and historical development.

**Covered.** Anything that exceeds the definition of uncovered is considered covered.

**Critical slope.** See *4.10.1. Critical Slopes*.

## D

**Dedication.** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

**Detached.** The absence of a physical connection to a structure by a structural element or feature.

**Development.** Same as "project".

**Developer.** The owner of a project and, where different from the owner, any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities that develops or causes the development of a project, but does not include a lender, any governmental entity, or the general contractor working for any developer. In context, this term can also mean "subdivider".

**Diameter breast height (DBH).** A measurement of tree size, determined by measuring outside bark diameter at 4.5 feet above grade on the uphill side of a tree.

**Dimensional standard.** A standard that specifies a dimension.

**Driveway.** Private vehicular access from a street or alley to the interior of a lot.

**Driveway, ribbon.** A driveway consisting of two parallel strips of paved surface with unpaved space in between.

**Dwelling or dwelling unit.** A building, or portion of a building, designed, arranged, and used for independent living quarters for one or more persons living as a household with permanent facilities for living, sleeping, eating, food preparation, and sanitation.

**Dwellings per lot.** See *2.10.3. Density*.

# E

**Easement.** A right given to a person or entity to access, cross, or use land owned by another person or entity.

**Enclosed.** Anything that exceeds the definition of unenclosed is considered enclosed.

**Encroachments.** See *2.10.5.E.1. Limited Encroachments*.

**Encroachment, floodplain.** The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or project into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Encroachments, horizontal.** See *2.10.5.E.1. Limited Encroachments*.

**Encroachments, vertical.** See *2.10.5.E.1. Limited Encroachments*.

**Exterior face.** The outermost surface of any object such as a window, wall, or building.

**Exterior wall.** Any wall which forms the envelope of the building, separating its interior from its exterior.

# F

**Facade.** The above-grade, non-roof portions of the exterior building envelope.

**Facade area.** Any surface area of a facade.

**Facade modification.** See *7.1.2.C. Project Activity*.

**Fence.** A constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas. A fence differs from a wall in not having a solid foundation along its entire length.

**Fill area.** A location at which soil or inert material is placed on a site within the floodplain.

**Finished floor elevation.** See *2.10.11.B. Finished Floor Elevation*.

**Flag.** Any fabric or other flexible material designed to be flown from a flagpole.

**Flood.** A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and the unusual and rapid accumulation of runoff of surface waters from any source. The term also includes mudflows which are proximately caused by flooding and area akin to a nature of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

**Flood control works.** Any human-caused construction, such as a dam. levee, groin, or jetty designed to alter the flood potential of a body of water.

**Flood hazard boundary map (FHBM).** A map issued by FEMA where the boundaries of the areas of special flood areas have been defined as "Zone A."

**Flood insurance rate map (FIRM).** The most recent version of the map prepared by FEMA for the City of Charlottesville. This document is an official map of the City established by FEMA on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the land within the jurisdictional boundaries of the City. This includes the digital version of the map, referred to as a Digital Flood Insurance Rate Map. The FIRM accompanies the FIS, and references to FIRM must include information and data included within the FIS.

**Flood insurance study (FIS).** The most recent version of the study prepared by FEMA for the City of Charlottesville. This study is a report containing information and maps that compiles and presents flood risk data for specific flood hazard areas within the City. The FIS examines, evaluates, and determines flood hazards and corresponding water surface elevations.

**Floodplain.** Same as "special flood hazard area."

**Flood proofing.** Any combination of structural and non-structural additions, changes, or adjustments to structures that will reduce or eliminate flood damage to improved real property, water and sanitary sewer facilities, structures, and contents of buildings or structures.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved to carry and discharge the base flood without increasing the water surface elevation more than 1 foot at any point.

**Floodway fringe.** The portion of the floodplain that lies between the floodway and the outer limits of the floodplain.

**Floor area.** The total area of floor space within a building or structure meeting the definitions of covered and enclosed.

**Foundation wall.** Any above-grade portion of a facade located below the finished floor elevation.

**Frontage screen.** A planted area with a wall, fence, or hedge, located along a street and typically intended for screening surface parking lots, utilities, heavy commercial uses, and industrial uses.

## G

**Grade.** The elevation or contour of the ground surface.

**Grade, average.** See *2.10.1.G. Average Grade*.

**Grade, existing.** Grade as established prior to any site modification. Existing grade does not include fill material or retained soil recently established without a grading permit. Excludes entrances to basements, entrances to parking garages, and window wells.

**Grade, finished.** Grade as established after a grading permit or where no grading permit is required, the existing grade.

**Grading.** Any cut or fill, combination of cut and fill, or re-compaction of soil, rock, or other earth materials.

**Greenscape zone.** The area between the vehicle accessway and the clear walk zone, and generally includes landscaping, street furniture, and utilities.

# H

**Height.** A vertical measurement of an element or space.

**Height, building.** See *2.10.9. Height*.

**Height, clear.** The vertical dimension of the occupiable portion of an architectural feature at the shortest point.

**Height, ground story.** See *2.10.1.F. Ground Story*.

**Height, side wall.** See *2.10.9. Height*.

**Household.** One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

**Hydrologic and hydraulic engineering analysis.** Analysis performed by a professional engineer licensed by the Commonwealth of Virginia used to determine the base flood, or other frequency floods, BFEs, floodway information and boundaries, and flood profiles.

# I

**IESNA.** The Illuminating Engineering Society of North America.

**In-kind.** A replacement with the same material type, design, dimension, texture, detailing and exterior appearance.

**Interior.** All enclosed and covered areas included within surrounding exterior walls of a building or structure.

# J

# K

# L

**Landscaping.** Any lot feature including: non-building structures, standalone fences and walls, site furniture, flatwork, ground treatments, vegetation, landforms, stormwater management features, outdoor lighting, water features, or outdoor access and circulation.

**Letter of map change (LOMC).** An official FEMA determination, given by letter, that amends, revises, or reviews the effective FIS/FIRM for the City.

**Loading space.** A designated space within a motor vehicle use area or street that accommodates the short-term parking of a commercial vehicle for the purposes of loading and unloading goods and materials.

**Lot.** See *7.1.2.E. Site, Lot, and Sublot Designation*.

**Lot, corner.** A lot situated at the intersection of two or more streets having an angle of intersection of no more than 135 degrees.

**Lot, interior.** A lot other than a corner lot, with only one frontage on a street.

**Lot, through.** A lot other than a corner lot, with frontage on more than one street.

**Lot area.** See *2.10.2. Lot Size*.

**Lot line.** A line bounding a lot that divides one lot from another lot, or from a street, or any other public or private space.

**Lot line, alley.** See *2.10.1.C. Lot Line Designation*.

**Lot line, common.** See *2.10.1.C. Lot Line Designation*.

**Lot line, primary street.** See *2.10.1.C. Lot Line Designation*.

**Lot line, rear.** See *2.10.1.C. Lot Line Designation*.

**Lot line, side.** See *2.10.1.C. Lot Line Designation*.

**Lot line, side street.** See *2.10.1.C. Lot Line Designation*.

**Lot line, street.** See *2.10.1.C. Lot Line Designation*.

**Lot width.** See *2.10.2. Lot Size*.

## M

**Maintenance and repair.** See *7.1.2.C. Project Activity*.

**Manufactured housing unit.** A transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 and that is designed to be used as a single dwelling unit when connected to the required utilities, with or without a permanent foundation.

**Marquee.** A projecting structure over an entrance to a building, such as a theater or motel, and generally designed and constructed to provide protection against the weather.

**Mean sea level (MSL).** An elevation point that represents the average height of the ocean's surface, such as the halfway point between the mean high tide and the mean low tide, which is used as a standard in determining land elevation.

**Mechanical and utility equipment.** Any building mechanical services equipment including heating, cooling, and ventilation equipment; electrical or data systems; plumbing or piping; or any sustainable energy systems.

**Mezzanine.** An intermediate level within a story of a building.

**Microbrewery.** A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on- or off-premise, with a capacity of up to 15,000 barrels per year.

**Microdistillery.** A facility for the production and packaging of distilled spirits for distribution, retail or wholesale, on- or off-premise, with a capacity of up to 5,000 gallons per year.

**Micro-producer.** A microbrewery, microwinery, or microdistillery in which 25% or more of the facility's production is sold directly to the consumer on-sire, within a retail shop, bar, tasting room, tap-room, restaurant, or other similar facility.

**Microwinery.** A facility for the production and packaging of wine for distribution, retail or wholesale, on- or off-premise, with a capacity of up to 5,000 gallons per year.

**Mobile food unit.** A readily movable wheeled vehicle or a towed vehicle designed and equipped for the preparation, service, or sale of food.

**Modular housing unit.** A dwelling unit that consists of building materials commonly used in on-site construction but which are pre-constructed off-site into units and transported to the site on a removable undercarriage or flat bed and assembled for permanent location on the lot.

## N

**National geodetic vertical datum (NGVD).** A vertical control used as a reference for establishing varying elevations within the floodplain.

**New construction.** See *7.1.2.C. Project Activity*.

**Nonconforming lots.** Lots or parcels that were legally created but no longer comply with the minimum area or width standards of the underlying zoning district.

**Nonconforming structure.** Structures that were legally established but no longer comply with the density or dimensional standards of the underlying zoning district.

**Nonconforming use.** Uses that were legally established but do not appear in, or are specifically excluded from, the listing of uses permitted by-right, permitted with standards, or permitted with a Special Use Permit in the zoning district where they are located.

**Nonconformity.** A "nonconforming lot," "nonconforming structure," or "nonconforming use".

## O

**Occupiable space.** Any area designated and intended for human occupancy with a minimum clear height of 7.5 feet.

**Outdoor amenity space.** See *2.10.4. Coverage*.

**Outdoor amenity space, common.** See *2.10.4. Coverage*.

**Outdoor amenity space, pedestrian.** See *2.10.4. Coverage*.

## P

**Parcel.** A contiguous portion of land that is assigned a unique identification number by the Office of the Assessor.

**Parking area.** A motor vehicle use area which is used for parking vehicles. Examples include parking lots and parking structures.

**Parking location.** See *2.10.8. Parking Location*.

**Parking lot.** A parking area that has no floor area below or above it.

**Parking structure.** A building that includes parking areas, including structures primarily used for parking and structures with the parking integrated into the building structure.

**Passenger loading area.** Areas designated for the on-site or curbside loading and unloading of passenger vehicles. Examples include valet areas and ride share drop-offs.

**Pedestrian access.** A means of approaching or entering a lot from a street as a pedestrian.

**Pedestrian accessway.** A pedestrian path designated to accommodate pedestrian access from a street into a lot and to one or more building entrances.

**Plat.** The schematic representation of land divided or to be divided.

**Plat, final.** A plat where the plan for a subdivision is presented for approval according to this Development Code and is in final form suitable for recording in the land records of the City of Charlottesville, according to the *Code of Virginia § 15.2-2254*.

**Plat, preliminary.** A plat where the plan for subdivision is presented for preliminary approval according to this Development Code and is not in final form for recording in the City's land records.

**Proffer.** A written condition offered by a person who has applied for a zoning map amendment that imposes a regulation or requirement that is in addition to the zoning district regulations.

**Project.** Any activity, including subdivisions, new construction, additions, site modifications, facade modifications, changes of use, renovations, and maintenance and repair, on a parcel that is controlled by this Development Code.

**Publicly accessible.** The ability of the public to access a facility.

**Public realm.** The space around and between buildings that is publicly accessible, including streets, paths and trails, open space and parks, squares and plazas, and any public and civic buildings and facilities.

# Q

# R

**Renovation.** See *7.1.2.C. Project Activity*.

**Resident.** One who resides at the subject building or lot.

**Residential treatment facility.** A residential facility licensed by the Virginia Department of Behavioral Health and Developmental Services or the Virginia Department of Social Services, where up to 8 persons reside together with one or more resident counselors or other resident staff.

**Resubdivision.** The division of land by subdivision on a property with a previously-approved and recorded subdivision plat.

**Right-of-way.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, sanitary or storm sewer, electric transmission line, oil or gas pipeline, or for any other similar use as may be designated.

**Roadway.** The portion of the street improved, designed, or used for vehicular travel and includes multimodal facilities such as bicycle lanes.

**Roof-mounted equipment.** All mechanical or utility equipment located on a roof, with the exception of solar panels and their required appurtenances.

# S

**Screening.** A permanent structure or arrangement of objects intended to block or obscure views into a lot or structure.

**Setbacks.** See *2.10.5. Building Setbacks*.

**Setbacks, alley.** See *2.10.5. Building Setbacks*.

**Setbacks, building.** See *2.10.5. Building Setbacks*.

**Setbacks, primary street.** See *2.10.5. Building Setbacks*.

**Setbacks, rear.** See *2.10.5. Building Setbacks*.

**Setbacks, side.** See *2.10.5. Building Setbacks*.

**Setbacks, side street.** See *2.10.5. Building Setbacks*.

**Shrub.** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

**Sidewalk.** A pedestrian way.

**Sidewalk grade.** The elevation of a sidewalk surface at any given point.

**Sign.** A structure, wall, or other object visible from the public right-of-way used for the display of any information or messaging including graphics, symbols, or written copy for commercial purposes. This does not include works of art or temporary holiday decorations.

**Sign, portable.** Any sign that is intended to be movable.

**Site.** See *7.1.2.E. Site, Lot, and Sublot Designation*.

**Site modification.** See *7.1.2.C. Project Activity*.

**Special flood hazard area (SFHA).** Any land subject to 1% or greater chance of flooding in a given year. Also known as "floodplain."

**Staff.** Employees of the City.

**Standards and Design Manual.** The City's adopted manual that regulates new street and alley construction, stormwater management, erosion and sediment control, potable water, gas utilities, traffic and transportation, bridges, retaining walls and other related structures, and potable water and sanitary sewer systems and related facilities.

**Story.** The part of a building included between the finished floor of one floor and the finished floor of the next floor above, or if there is no floor above, then the bottom of structure for the roof above.

**Story, ground.** See *2.10.1F. Ground Story*.

**Story, upper.** Any story of a building located above the ground story.

**Street.** A public or private way that is publicly accessible and affords a principal means of access to abutting property. Streets generally consist of roadways and streetscapes.

**Street, primary.** See *2.10.1.B. Street Designation*.

**Street, side.** See *2.10.1.B. Street Designation*.

**Street-facing building facades.** See *2.10.1.E. Street-Facing Building Facades*.

**Street-facing entry spacing.** See *2.10.13. Entrances*.

**Streetscape.** The portion of the street between the roadway and the street lot line, consisting of a greenscape zone and clear walk zone.

**Street step-back.** See *2.10.9. Height*.

**Structure.** Any constructed object more than 30 inches in height.

**Subdivide.** The process of dividing land to establish a subdivision.

**Subdivision.** See *7.1.2.C. Project Activity*.

**Sublot.** See *7.1.2.E. Site, Lot, and Sublot Designation*.

# T

**Temporary family health care structure.** A transportable residential structure providing an environment facilitating a caregiver's provisions of care for an impaired person that is primarily assembled at a location other than its site of installation, is limited to one occupant who must be the impaired person, has a floor area of no more than 300 square feet, complies with the applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code, and is not placed on a foundation.

**Transitions.** See *2.10.7. Transitions*.

**Transparency.** The amount of transparent area on a building facade.

**Transparency, ground story.** See *2.10.12. Transparency*.

**Transparency, upper story.** See *2.10.12. Transparency*.

**Tree canopy.** All areas covered by plant material exceeding 5 feet in height, and the extent of the planted tree canopy at 10 or 20 years maturity, based on published reference texts generally accepted by landscape architects, nurserymen, and arborist.

# U

**Uncovered.** A space or structure that has 50% or more of its area open to the sky.

**Unenclosed.** A building or structure that is not closed in any way by glass, opaque panel, or any other material, and has no enclosed features higher than 42 inches above grade except the roof, roof supports, and railings.

**Unified statewide building code (USBC).** The effective version of the Virginia Statewide Building Code and associated building regulations.

**Use.** The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is, or may be, occupied or maintained.

**Use, accessory.** A use that meets the standards outlined in *Div. 3.5. Accessory Uses and Structures*.

**Use, principal.** The main use to which a premises is devoted.

**Use, temporary.** Any use not meant to be permanent in nature. Typically, "temporary" means for a few days to a single season.

**Use category.** A group of use groups.

**Use group.** A group of uses.

**Utility area.** Any area containing mechanical or utility equipment.

# V

# W

**Wall.** A constructed vertical barrier erected to enclose, screen, or separate areas. A wall differs from a fence in having a continuous foundation along its whole length.

**Width.** A horizontal measurement of an element or space.

**Width, blank wall.** See *2.10.12. Transparency*.

**Width, building.** See *2.10.10. Massing*.

**Width, build-to.** See *2.10.6. Build-To*.

**Window.** An operable or inoperable opening constructed in a wall that admits lights or air into an enclosure and is often framed and spanned with glass or other translucent material.

**Window display.** A display, behind a window, along the facade of a building exhibiting items or advertisements designed to attract the attention of passersby, including window signs.

# X

# Y

**Yard.** All portions of a lot between exterior walls of a building and a property line.

**Yard, front.** See *2.10.1.D. Yard Designation*.

**Yard, rear.** See *2.10.1.D. Yard Designation*.

**Yard, side.** See *2.10.1.D. Yard Designation*.

**Yard, side street.** See *2.10.1.D. Yard Designation*.

# Z